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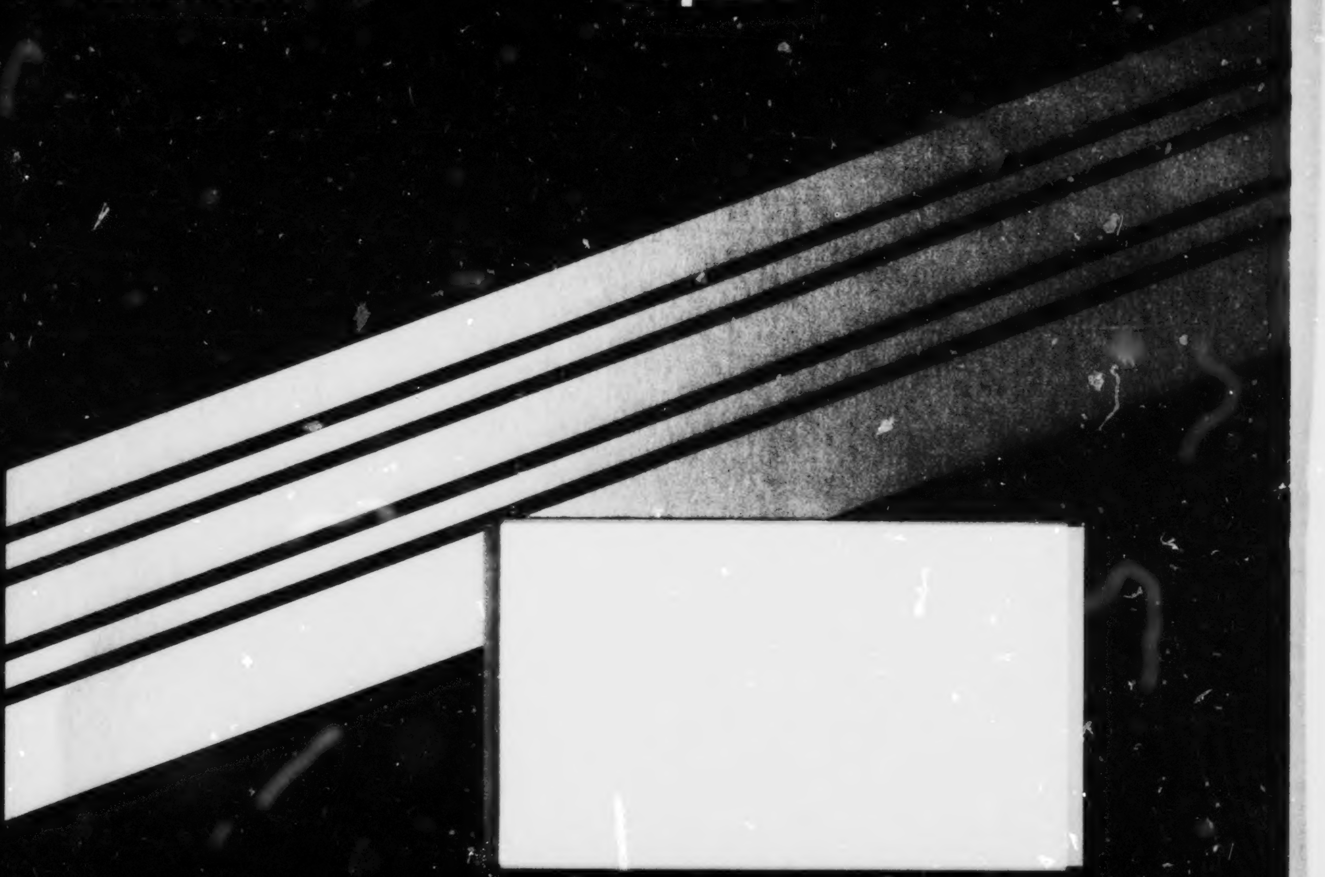

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NATIVE AND NON-NATIVE ADMISSIONS TO FEDERAL, PROVINCIAL AND TERRITORIAL CORRECTIONAL INSTITUTIONS

NO. 1985-34

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This working paper is available in French. Ce document de travail est disponible en français.

ABSTRACT

This report summarizes recent statistical data on the representation, and the overrepresentation, of Natives in admissions to the Correctional Service of Canada, and to correctional institutions in six Canadian jurisdictions: the Yukon, British Columbia, Alberta, Saskatchewan, Manitoba and Ontario. Most of the data employed in the analysis were provided to this project by federal and territorial/provincial agencies responsible for correctional services.

The analysis of custodial admissions -- those resulting both from a mandatory sentence from the court and from fine default -- confirmed earlier research that has shown that there were large jurisdictional variations in the degree of overrepresentation of Native persons among custodial admissions, even when the number of admissions was compared to the representation of Natives in the general population. It was suggested that variations in provincial legislation may partially account for the jurisdictional differences in admission rates.

If all admissions to provincial custody are examined, admissions on a Criminal Code offence accounted for the majority of entries of both races in all jurisdictions, with the exception of Natives in Ontario. Almost one-half of Native admissions in Ontario (in 1982-3) were the consequence of a conviction on a provincial liquor violation. Elsewhere, larger proportions of Native than non-Native admissions also resulted from a liquor

charge, but nowhere other than in Ontario did the percentage of Native admissions for this offence type rise above 11%.

The examination of sentence admissions as a result of a conviction on specific Criminal Code offences showed that larger percentages of Natives entered federal custody for assaults and manslaughter than did non-Natives. However, the top five admitting offences of Natives and non-Natives were similar, as were the sentence lengths received by those admitted to federal correctional institutions.

Admissions to provincial custody also showed variations by race. The admission profile of Natives showed a lower percentage of Criminal Code "drinking-driving" charges involved in the admission than did non-Native admissions, but in most jurisdictions Natives were somewhat more likely to have a "victimless" offence and assaults as the most serious offence in the admission. As was the case for admissions on provincial offences, Native persons generally were sentenced to similar terms of imprisonment as were non-Natives convicted of the same type of offence. Factors other than the nature of the admitting offence affect sentence lengths (for example, prior record and the number of charges involved), and the few racial differences that were found cannot be assumed to be the result of unequal treatment of Natives by the Criminal Justice System.

The analysis of Native and non-Native admissions to correctional institutions concludes with the implications of this research for future investigations on the overrepresentation of Natives in custodial admissions. Our data must be supplemented by field research in which perceptual data, and additional data elements, are obtained. Further research could also examine more closely the jurisdictional differences in legislation, case law, and police and court procedures (especially with regard to fine default) in order to provide information on the differing environments in which System personnel are employed.

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Chapter 1: INTRODUCTION

The Objectives of this Report

This report provides recent statistical information on Native and non-Native admissions to Correctional Service of Canada and to the correctional systems of six jurisdictions in Canada. The analyses are intended to fulfil several objectives.

First, the report draws together for the first time comparable information from a number of jurisdictions on admissions to correctional institutions as a result of a sentence of imprisonment from the court and of non-payment of a court-ordered fine. The intent is to provide federal and provincial criminal justice agencies with up-to-date information on the representation, and the overrepresentation, of Natives in custodial admissions, and information on the differences and similarities in the admissions profiles of Natives and non-Natives. The jurisdictional comparisons presented here include, where possible, mention of legislative provisions that may account for some of the differences among provinces and territories in the characteristics of custodial admissions.

It is also hoped that this report will assist in the development of more comprehensive research strategies -- approaches that more adequately address the causes of and remedies for Native overrepresentation in the Criminal Justice System. The authors are aware that this analysis of custodial admissions is a limited approach to researching the topic, and indeed is an inadequate one upon which to draw conclusions of an explanatory or causal nature. The report is thus descriptive; no causal inferences can be drawn from the bivariate relationships between race and admissions characteristics that are described in the chapters that follow.

At the same time, the statistics and analyses in this research provide heretofore unavailable material on variations among jurisdictions that not only provide insights into the differential involvement of Natives in correctional admissions, but also into the differences in the operation of the Criminal Justice System itself. The administration of justice is a provincial responsibility -- albeit with federal laws to enforce and to process -- and it has long been assumed that there are variations in the ways in which jurisdictions carry out that responsibility, but little information on the precise differences. Correctional institutions are passive recipients of the end product of a series of earlier discretionary decisions by the community, the police, the courts and their key actors. Despite this feature of correctional systems, inferences can be made as to the degree to which several aspects of the administration of justice differ across jurisdictions -- not merely regarding Natives but more generally with regard to the handling of "quasi-criminal" provincial offences and fine default.

Data Sources

The majority of the data in this report was obtained through the cooperation of the following territorial and provincial agencies:

The Yukon Department of Justice (1983)
The Northwest Territories Social Services (1982)
British Columbia Attorney General, Corrections Branch (1980-1, 1982-3)
Alberta Solicitor General (1980, 1982)
Saskatchewan Department of Justice, Corrections (1980-1, 1982-3)
Manitoba Community Services, Corrections (1982)
Ontario Ministry of Correctional Services (1980-1, 1982-3)

At the request of the Ministry of the Solicitor General of Canada, these agencies provided computer-generated data on Native and non-Native sentence and fine default admissions for the years outlined above.[*] These data are described in Chapters 2 to 4 of this report.

The first phase of this project (for the report, see Billingsley, 1984)[*] utilized data originally obtained by the Federal Department of Justice for the project "_Criminal Code_ Review, Phase II, Sentencing Project".[***] In addition to many of the same provincial correctional sources as outlined above, contributors to the first phase also included the Correctional Service of Canada (for 1980 and 1982 federal _Criminal Code_ sentence admissions) and the Canadian Centre for Justice Statistics (for 1980 data on _Criminal Code_ sentence admissions in Manitoba and the Atlantic region). Described in Chapter 5 of this report, this dataset was comprised of _Criminal Code_ sentence admissions for 2 or 3 recent years, although this research describes only the most recent year available.

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[*] In the case of Manitoba, the data were manually compiled.

[**] See Billingsley (1984) for a thorough discussion of the first phase of this project; this report summarizes her earlier work in Chapter 5.

[***] Hann, _et al_ (1984).

Definition of Terms

The following terms are used throughout the report. The usage here may differ somewhat from that used by correctional personnel -- in particular, note the distinction made between sentence and fine default admissions.

Sentence admission: An admission to custody as a result of a mandatory[*] sentence of incarceration from the court. These admissions exclude remand admissions and "pure" fine default admissions, although sentence admissions may include terms of imprisonment where the offender is also in custody for fine default.

Fine default admission: An admission to provincial custody where the sole reason for the admission was non-payment of a fine ordered by the court (i.e., a "pure" fine default admission). Excludes admissions where there was also a mandatory sentence involved, and remand admissions.

Total admissions: Sentence and fine default admissions combined. Excludes remand admissions.

Race: Native is defined as Status and non-Status Indians, Metis, and Inuit. Non-Native is all other persons. Native status is usually obtained by self-report of the inmate at admission to custody. Incorrect classification at entry is perceived to be a problem by some jurisdictions and the main reason why Quebec data are not available for analysis.

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[*] Mandatory in the sense that the judge does not offer the accused the option of a fine.

Admitting offence refers generally to the most serious offence in the admission. Because many admissions involve more than one type of offence, one charge is selected by most correctional information systems to represent the admission. The information systems differ somewhat in the method used to select the admitting offence, therefore making it necessary to interpret some inter-jurisdictional differences with caution.

Sentence length is the total number of days in the admission and represents the aggregate sentence for all charges involved (i.e., the admitting offence as well as other, lesser offences). For this reason, the sentence length statistics cannot be regarded as representing the actual sentence lengths received for a specific offence type, but rather the sentence received for the admitting offence and the other charges involved in the custodial admission.

Caveats and Data Limitations

The analysis in this report cannot be interpreted as providing firm evidence of the discriminatory treatment of Native persons by the Canadian Criminal Justice System. This research does represent an advance over most past research on racial differences in correctional admissions in that this report at least controls for one "legal" factor -- the type of admitting offence. Additional legal and extra-legal variables obtained from prior stages of system processing must be incorporated into multivariate analyses in order to ascertain any differential sentencing of Natives and non-Natives.* As Havemann et al (1984: 119) have concluded: "The challenge to researchers is to establish whether any factors other than the nature and the seriousness of the offence, and the number of past offences are creating biases in judicial decision-making in the case of Indigenous offenders."

Other limitations of this report are related to methodology and data availability.

This report utilizes the admission to custody as the unit of analysis; data on inmate populations or on persons admitted to custody are not included. There is some evidence that persons of Native origin are admitted to custody more than once in the same year -- for example, in Ontario, Native males incarcerated in 1982-3 had a mean number of admissions of 1.6 per person;

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*For example, see Hagan (1974) for a multivariate analysis of Alberta court data. He concluded that race was not a significant factor in determining final disposition or sentence when all other factors (prior record, number of charges, etc.) were controlled. Note that race is not usually information that is available from the court level of system processing.

admissions data do not therefore reflect the "chronicity of contact" that may be differentially associated with Native and non-Native status.*

Although the jurisdictions providing data for this report cooperated generously by providing information tailored to the authors' specifications, their operational and management systems were not designed primarily for research purposes or across-jurisdictional comparisons of admissions. Each system was developed to meet the information needs and procedures of the individual correctional system. As a consequence, there are differences in the manner in which key variables such as "admitting offence" are defined in each system.** Despite some variation, however, there is sufficient basis to make comparisons across jurisdictions, albeit with caution.

A final limitation of this research is the absence of data from several jurisdictions. The majority of the report analyzes data from six jurisdictions -- excluded are the Northwest Territories, Quebec, and the Atlantic provinces.*** However, other than the Territories, jurisdictions from which data were obtained represented those with high proportions of Native admissions, or (as is the case with Ontario) substantial numbers of Native admissions.

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*A.C. Birkenmayer, Ontario Ministry of Correctional Services, in a letter to J.G. Woods, Ministry of the Solicitor General of Canada, May 30, 1984.

**See the Appendix to this report for a detailed discussion of the definitions of "admitting offence" used by jurisdictions and for other data limitations.

***Total admissions for 1982 were available by race from the N.W.T. As noted above, the Canadian Centre for Justice Statistics supplied data on 1980 sentence admissions (Criminal Code offences) for the Atlantic region and Manitoba.

The Organization of this Report

Chapter 2 describes the representation of Native persons in admissions to federal and provincial/territorial custody for 3 types of admissions (sentence, fine default and total admissions), and for the legislative category of the admitting offence (provincial statute, Criminal Code, or non-Criminal Code other federal statutes). It also includes a discussion of the extent to which Natives are "overrepresented" in custodial admissions when the number of admissions are compared to the Native and non-Native population in each jurisdiction.

The subsequent analysis turns to the similarities and differences in the admissions profiles of Natives and non-Natives.

Chapter 3 explores the relationships between the three types of admissions and the major offence category of the admitting offence, controlling by the race of the person involved in the admission. This chapter provides an overview of the main differences in the profiles of the two groups.

Chapter 4 contains a more detailed examination of the profiles of Native and non-Native admissions by presenting the associations between the admitting offence type and the reason (or type) of admission. Where possible, Chapter 4 also describes the sentence lengths for provincial offence admissions, distinguishing between sentence and fine default admissions.

In Chapter 5, the analysis is confined to racial differences in Criminal Code sentence admissions to federal and provincial correctional institutions. Here, we describe the degree to which Native and non-Native admission profiles vary by the specific Code offence; in addition, any differences by race in the sentence lengths for specific offences are described.

Chapter 6 highlights the main conclusions to be drawn from this research, and outlines the implications of this analysis for further research into the involvement of Natives as offenders in the Canadian Criminal Justice System.

Chapter 2: THE REPRESENTATION OF NATIVES IN CUSTODIAL ADMISSIONS

Introduction

Recent data on the degree to which Native persons are represented among admissions to federal and provincial/territorial facilities are presented in this chapter. The analysis examines, by jurisdiction, the proportion of admissions accounted for by persons of Native descent. Three types of, or reasons for, admissions to provincial institutions are analyzed: sentence admissions (the offender serves a mandatory term of imprisonment established by the court), fine default admissions (the admission results from non-payment of a court-ordered fine), and total admissions (a combination of mandatory sentence and fine default admissions). The chapter then examines the prevalence of Natives among admissions for three different types of offences -- offences against provincial statutes, the Criminal Code of Canada, and other federal statute offences.

The chapter concludes with an examination of the "overrepresentation" of Native persons in admissions -- in comparison to their representation in the general population. Again, separate statistics are provided for different types of admissions and for convictions involving different statutes.

The Representation of Natives in Sentence Admissions to Federal Penitentiaries

Natives have accounted for about one-tenth of sentence admissions[*] to federal correctional institutions in recent years; this proportion has remained relatively stable since 1976.[**]

Table 2.1

NATIVES AS A PERCENTAGE OF SENTENCE ADMISSIONS TO FEDERAL CUSTODY

JURISDICTION	Correctional Service of Canada	
YEAR	1980	1982
Percent Natives	9.1%	10.0%
Number of Natives	(259)	(348)
Total sentence admissions	2,840	3,480

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[*] I.e., all sentence admissions except those admitted as a result of having their parole or mandatory supervision revoked (either for violating the terms of their supervision or for having been convicted of a subsequent indictable offence).

[**] See Canfield and Drinnan (1981: 14).

The Representation of Natives in Sentence, Fine Default and Total Admissions to Provincial/Territorial Custody

The degrees to which Natives were represented in sentence, fine default and all admissions to provincial/territorial institutions are graphically shown on Figure 2.1, and found in statistical form in Table 2.2. As past analyses of correctional admissions have found, persons of Native origin constitute large proportions of admissions in the Yukon, the Northwest Territories, Saskatchewan, and Manitoba -- and much smaller proportions in B.C., Alberta, and Ontario.

Figure 2.1

NATIVES AS A PERCENTAGE OF ADMISSIONS TO PROVINCIAL/TERRITORIAL CUSTODY

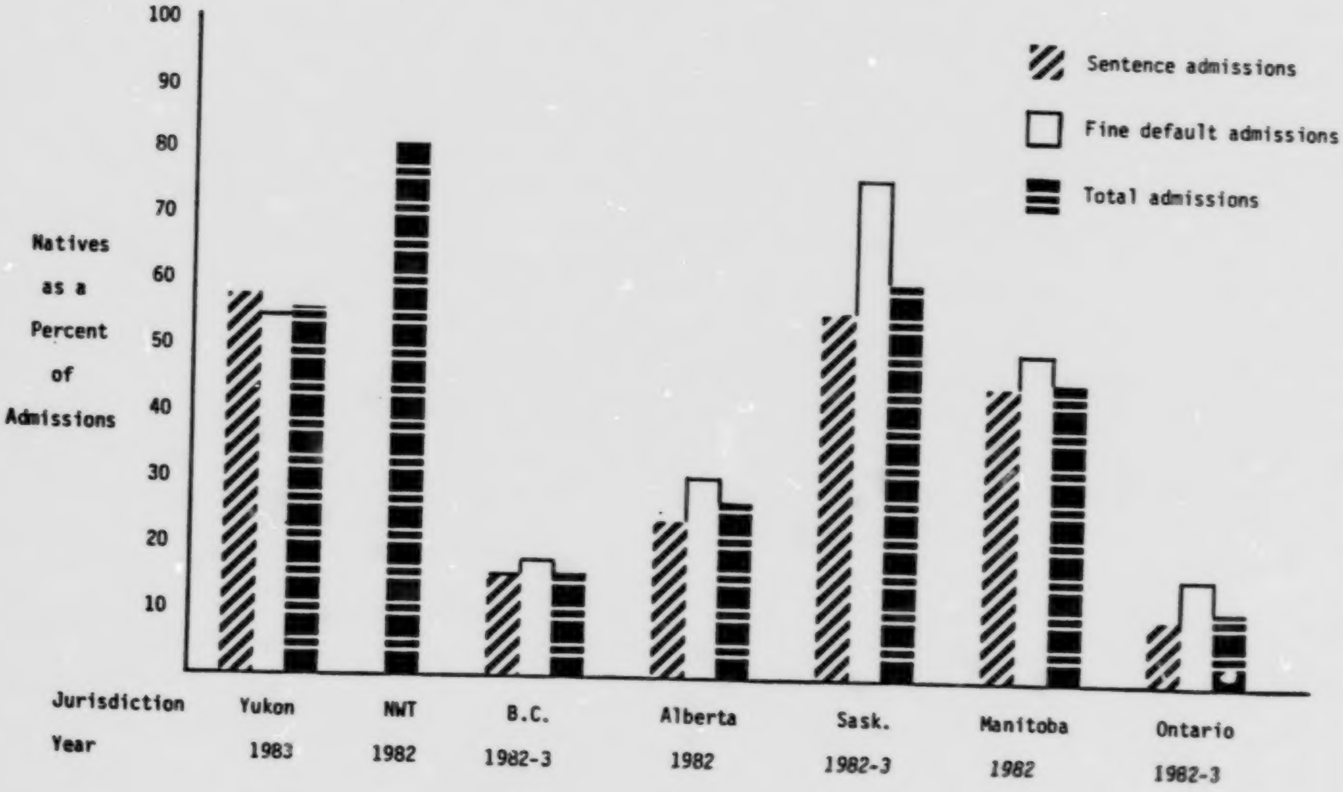

Table 2.2

NATIVES AS A PERCENTAGE OF ADMISSIONS TO PROVINCIAL CUSTODY, SELECTED JURISDICTIONS

JURISDICTION	YUKON	N.W.T.	B.C.		ALBERTA		SASKATCHEWAN		MANITOBA	ONTARIO	
YEAR	1983	1982	80-1	82-3	80	82	80-1	82-3	1982	80-1	82-3
Sentence Admissions:											
Percent Natives	57.5%	81.0%	17.6%	15.8%	25.4%	23.8%	53.2%	54.6%	45.3%	10.2%	10.0%
Number of Natives	(153)	(860)	(1,175)	(1,793)	(1,435)	(1,715)	(2,431)	(2,976)	(1,317)	(4,222)	(5,002)
Total sentence admissions	266	1,062	6,660	11,345	5,642	7,215	4,573	5,453	2,906	41,194	50,253
Fine Default Admissions:											
Percent Natives	54.6%	N.A.	22.1%	17.5%	33.9%	30.6%	78.1%	75.6%	50.0%	16.9%	16.0%
Number of Natives	(89)		(240)	(358)	(1,313)	(1,577)	(1,161)	(1,332)	(386)	(2,509)	(3,072)
Total fine default admissions	163		1,088	2,043	3,868	5,152	1,486	1,761	772	14,857	19,202
All Admissions											
Percent Natives	56.4%	N.A.	18.3%	16.1%	28.9%	26.6%	59.3%	59.7%	46.3%	12.0%	11.6%
Number of Natives	(242)		(1,415)	(2,151)	(2,748)	(3,292)	(3,592)	(4,308)	(1,703)	(6,731)	(8,074)
Total all admissions	429		7,748	13,388	9,510	12,367	6,059	7,214	3,678	56,051	69,455

In the most recent year for which data are available,* Natives accounted for 10% of sentence admissions in Ontario, 16% in British Columbia, and 24% in Alberta -- as opposed to 45% in Manitoba, and over one-half of sentence admissions in Saskatchewan (55%), the Yukon (58%), and the Northwest Territories (81%).

The judicial practice of imposing a prison sentence in lieu of payment of a fine (that is, the judge imposes a sentence of "x dollars or x days"), has often been considered to be a sentencing practice that differentially affects the Native population, especially in the prairie provinces.** If by "differential effects" one means that Natives account for a larger proportion of fine default admissions than they do of sentence admissions, the data show that only in Saskatchewan was there a marked difference. In that province, 76% of fine default admissions involved Native people compared to 55% of sentence admissions. In three other jurisdictions (Alberta, Manitoba and Ontario), there was a very slight tendency (a difference of from 5 to 7 percentage points) for Natives to be more prevalent in fine default than in sentence admissions. In the Yukon and British Columbia, Natives were present in equal proportions in both types of admissions.

Native presence among fine default admissions shows similar variation across jurisdictions as was found for mandatory sentence admissions: Native people constituted 16% of Ontario fine default admissions, 18% of B.C. admissions, 31% of Alberta admissions, and one-half or more of fine default admissions in Manitoba (50%), the Yukon (55%), and Saskatchewan (76%).

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*The Yukon data are from 1983. The remaining jurisdictions are either calendar year or fiscal year 1982.

**See, for example, Griffiths, Klein and Verdun-Jones, 1980: 329.

Data on the number of admissions in both 1980 and 1982 are available for British Columbia, Alberta, Saskatchewan, and Ontario. It is apparent from Table 2.2 that there were no major changes in the proportion of admissions accounted for by Natives in the two years -- for all three types of admissions (sentence, fine default and total admissions). Thus, although there was a growth in the absolute numbers of Native admissions, the level of representation of Native persons stayed approximately the same.

The Representation of Natives in Sentence, Fine Default and Total Admissions to Provincial/Territorial Custody: The Major Offence Category

For this analysis, each type of admission has been categorized as to the nature of the major offence category of the admitting offence: provincial statute violations; Criminal Code offences; and non-Criminal Code federal statute offences (the Narcotics Control Act, the Food and Drugs Act, the Indian Act, federal wildlife legislation, and all other non-Code admitting offences). These categories are analyzed to determine if there is differential representation of Natives in entries on the three types of legislation. The analysis will also address the jurisdictional variations, if any, in the representation of Natives in sentence, fine default, and total admissions by the major offence category.

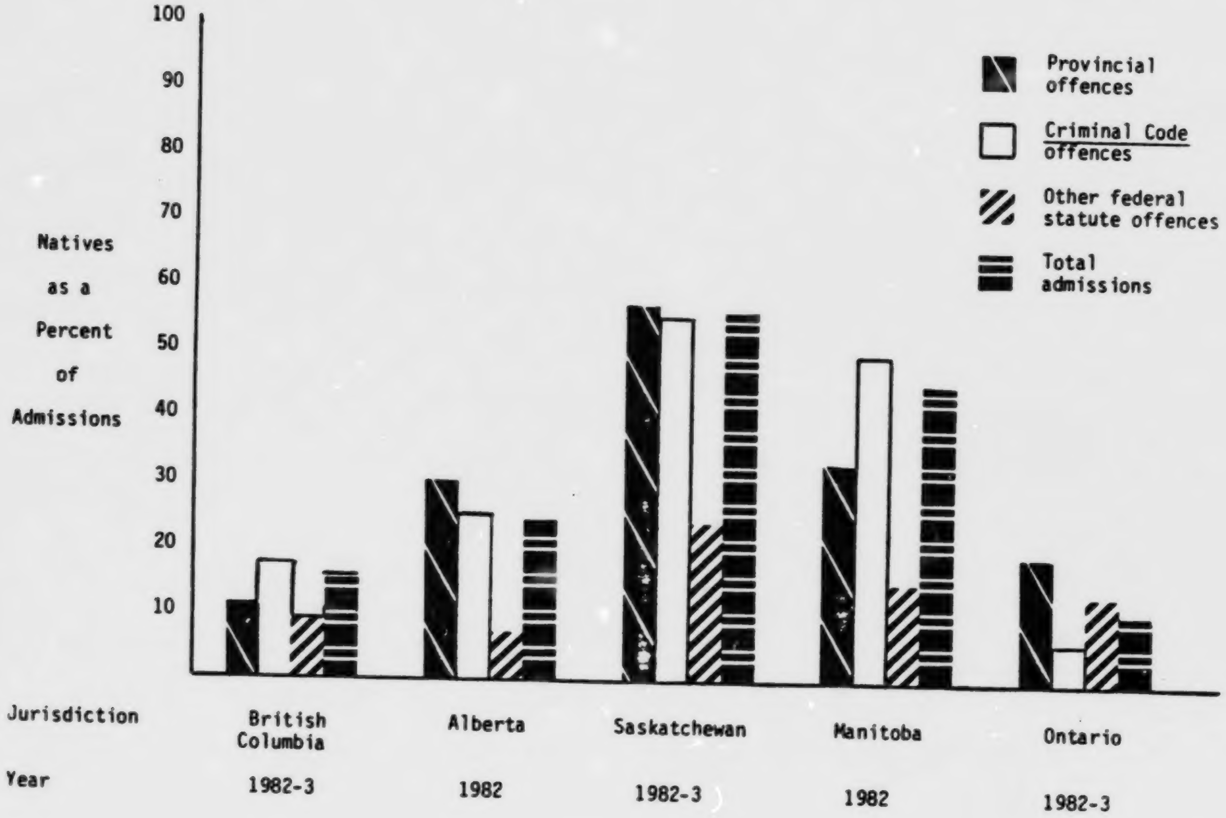
Any differences in the representation of Natives in each type of admission between 1980 and 1982 are also described.

Sentence Admissions:

Figure 2.2 illustrates the differences in the representation of persons of Native origin among sentence admissions in the three categories of admitting offences: provincial, Criminal Code, and other federal statutes. Perhaps of most interest is the differential representation of Natives among provincial or territorial, as opposed to federal offences. Provincial statute violations are, of course, often considered as "quasi-criminal" and are generally much less serious than most Criminal Code offences; the maximum sentence length for most provincial offences where the court has the option of imprisonment is six months.

Figure 2.2

NATIVES AS A PERCENTAGE OF PROVINCIAL, CRIMINAL CODE, AND OTHER FEDERAL OFFENCE SENTENCE ADMISSIONS TO PROVINCIAL CUSTODY



Native persons accounted for a smaller proportion of provincial offence sentence admissions in Manitoba and, to a lesser extent, in B.C., than they did of Criminal Code sentence admissions in the same jurisdictions.*

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*By 16 and 6 percentage points respectively.

In Saskatchewan and Alberta, Natives comprised very similar proportions of provincial offence and Criminal Code sentence admissions. However, in Ontario, Natives constituted a larger proportion of provincial statute admissions (19%) than they did of either Criminal Code (6%) or other federal statute admissions (13%). (See Table 2.3.)

Other than in Ontario, the representation of Natives among sentence admissions involving a conviction on a non-Criminal Code federal offence was lower than for the other major offence categories.* For example, in Manitoba, only 15% of admissions for an other federal statute violation were of Native origin, in contrast to 49% of Criminal Code and 33% of provincial statute sentence admissions.

Turning to jurisdictional variations, the presence of Native persons among admissions on a mandatory sentence for provincial statute violations varied from less than 20% of such admissions in B.C. (11%) and Ontario (19%), to approximately one-third in Alberta (30%) and Manitoba (33%), to 57% in Saskatchewan. It should be noted, however, that the absolute numbers of such admissions were low in all jurisdictions except Ontario.

With regard to Criminal Code sentence admissions (which constituted the majority of sentence admissions in all jurisdictions), Native involvement differed substantially by region. Ontario and B.C. had the lowest proportions of

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*However, the number of such admissions was low in all jurisdictions except Ontario.

Table 2.3

NATIVES AS A PERCENTAGE OF PROVINCIAL OFFENCE, CRIMINAL CODE, AND OTHER FEDERAL STATUTE SENTENCE ADMISSIONS TO PROVINCIAL CUSTODY, SELECTED JURISDICTIONS

JURISDICTION	YUKON	N.W.T.	B.C.		ALBERTA		SASKATCHEWAN		MANITOBA	ONTARIO	
YEAR	1983	1982	80-1	82-3	80	82	80-1	82-3	1982	80-1	82-3
Percent Natives of all sentence admissions	57.5%	81.0%	17.6%	15.8%	25.4%	23.8%	53.2%	54.6%	45.3%	10.2%	10.0%
Provincial statutes:											
Percent Natives	33.3%	N.A.	12.0%	10.7%	39.2%	29.9%	75.8%	57.3%	33.0%	21.8%	19.1%
Number of Natives	(1)		(12)	(81)	(78)	(61)	(25)	(43)	(29)	(2,152)	(2,405)
Total provincial statute sentence admissions	3		100	754	199	204	33	75	88	9,867	12,563
Criminal Code:											
Percent Natives	59.6%	N.A.	18.7%	16.8%	27.3%	24.8%	54.1%	54.9%	49.2%	6.4%	6.3%
Number of Natives	(152)		(985)	(1,597)	(1,220)	(1,489)	(2,400)	(2,905)	(1,244)	(1,834)	(2,175)
Total Criminal Code sentence admissions	255		5,274	9,508	4,466	6,003	4,439	5,291	2,531	28,812	34,522
Other federal statutes:											
Percent Natives	-	N.A.	7.2%	8.9%	4.7%	7.2%	5.9%	24.1%	15.3%	9.4%	13.3%
Number of Natives	0		(38)	(73)	(31)	(48)	(6)	(14)	(44)	(236)	(422)
Total other federal statute sentence admissions	8		528	818	654	668	101	58	287	2,515	3,168

of Natives among Code admissions (at 6% and 17%, respectively), Alberta was in the middle range (25% of admissions were Native), and the Yukon, Saskatchewan, and Manitoba had Natives accounting for about one-half or more of Criminal Code sentence admissions.

There were no substantial changes in the representation of Natives among sentence admissions in the three major offence categories between 1980 and 1982.* However, there was a slight decrease (by 9 percentage points) in the proportion of Alberta provincial statute admissions accounted for by Natives in the two year period.

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*In Saskatchewan, the representation of Native people in provincial statute admissions dropped, and there was an increase in their representation among other federal admissions; in both cases, the numbers of Native admissions were low.

Fine Default Admissions:

As shown on Figure 2.3 and Table 2.4, there was considerable variation among the jurisdictions considered in the percent of fine default admissions accounted for by Natives, with the percent varying from 16%, in Ontario, to 76%, in Saskatchewan.

When differences by major offence category are examined, it can be seen that in Ontario, Natives were twice as heavily represented among provincial offence admissions as they were among admissions for a Criminal Code charge (19% versus 9%). In Alberta and Manitoba, Natives were only slightly more prevalent among fine default admissions on provincial offences than they were among admissions for Criminal Code offences (a difference of approximately 10 percentage points in each case). However, in the Yukon and British Columbia, Natives were less prevalent among provincial statute fine default admissions than they were among Criminal Code admissions.

Also noteworthy is the representation of Ontario Native persons in fine default admissions resulting from a non-Criminal Code other federal charge: 27% of such admissions involved persons of Native origin.* However, in most other provinces, the situation tends to be reversed; Natives accounted for a lower proportion of other federal fine default admissions than of Criminal Code or provincial offence admissions.

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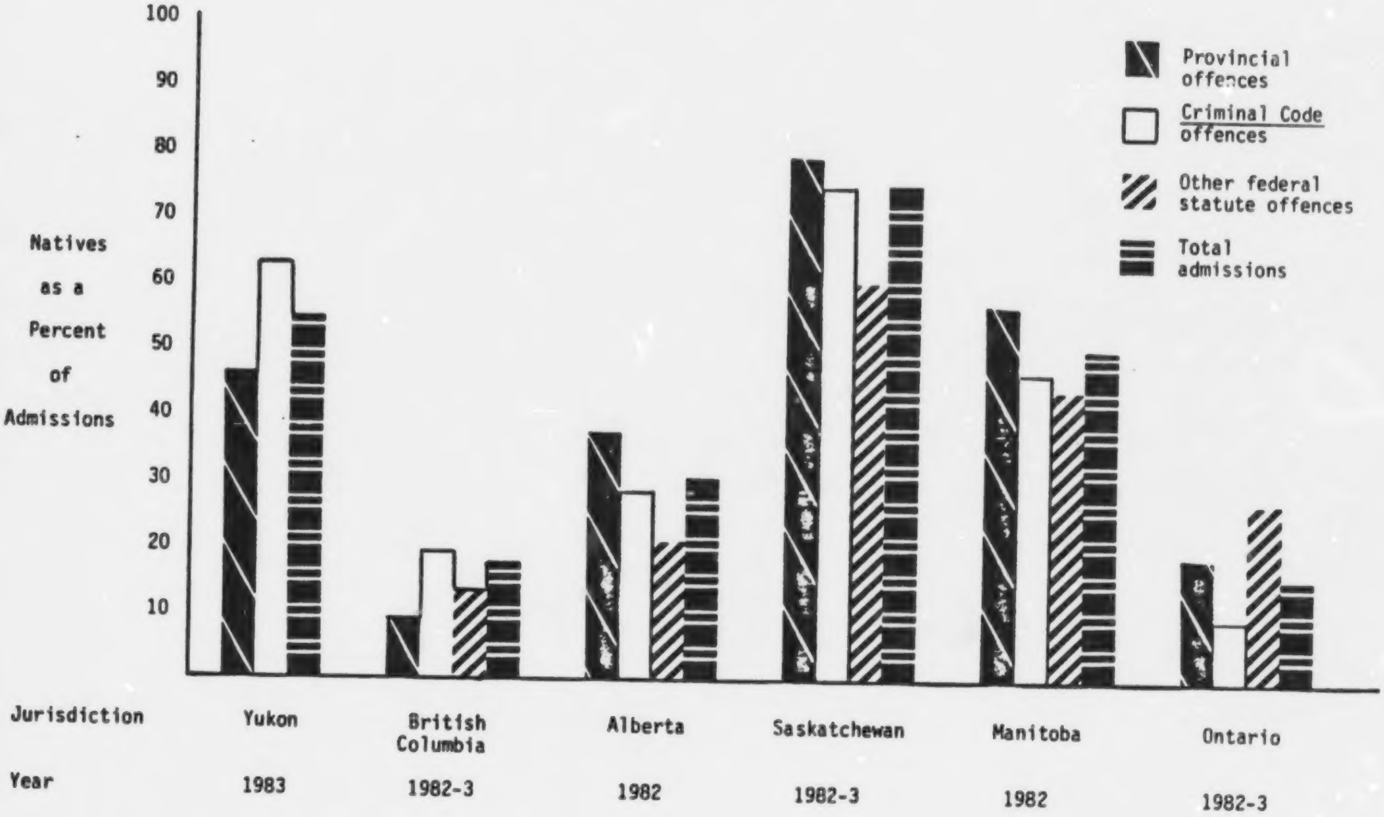
*It may be that violations of statutes such as the Indian Act and federal wildlife legislation account for this disproportionately high representation of Native people in this category. Unfortunately, the information system of the Ontario Ministry of Correctional Services does not distinguish admissions on the Indian Act and wildlife legislation from admissions for other federal statute violations.

Figure 2.3

NATIVES AS A PERCENTAGE OF PROVINCIAL, CRIMINAL CODE AND OTHER FEDERAL OFFENCE FINE DEFAULT ADMISSIONS TO PROVINCIAL/TERRITORIAL CUSTODY



Native representation among fine default admissions for provincial statute offences ranged from over one-half of such admissions in Saskatchewan (79%) and Manitoba (57%), to less than one-fifth in Ontario (19%) and British Columbia (9%). Regional differences were also found for Criminal Code fine default admissions. Saskatchewan again had the highest proportion

Table 2.4

NATIVES AS A PERCENTAGE OF PROVINCIAL OFFENCE, CRIMINAL CODE AND OTHER FEDERAL STATUTE FINE DEFAULT ADMISSIONS TO PROVINCIAL CUSTODY, SELECTED JURISDICTIONS

JURISDICTION	YUKON	B.C.		ALBERTA		SASKATCHEWAN		MANITOBA	ONTARIO	
YEAR	1983	80-1	82-3	80	82	80-1	82-3	1982	80-1	82-3
Percent Natives of all fine default admissions	54.6%	22.1%	17.5%	33.9%	30.6%	78.1%	75.6%	50.0%	16.9%	16.0%
Provincial statutes:										
Percent Natives	45.9%	10.4%	9.3%	39.9%	37.6%	79.4%	79.2%	57.3%	21.0%	18.8%
Number of Natives	(28)	(5)	(8)	(552)	(603)	(481)	(494)	(149)	(1,779)	(2,142)
Total provincial statute fine default admissions	61	48	86	1,383	1,605	606	624	260	8,466	11,391
Criminal Code:										
Percent Natives	63.3%	23.5%	18.7%	32.5%	28.0%	77.3%	74.5%	47.1%	9.3%	9.2%
Number of Natives	(57)	(201)	(315)	(712)	(874)	(636)	(798)	(209)	(514)	(609)
Total Criminal Code fine default admissions	90	857	1,681	2,194	3,118	823	1,071	444	5,541	6,616
Other federal statutes:										
Percent Natives	33.3%	10.8%	13.5%	16.8%	21.2%	77.2%	60.6%	44.1%	25.4%	26.9%
Number of Natives	(4)	(11)	(32)	(49)	(81)	(44)	(40)	(30)	(216)	(321)
Total other federal statute fine default admissions	12	102	237	291	382	57	66	58	850	1,195

of Natives among such admissions (75%), followed by the Yukon (63%) and Manitoba (47%).

No major differences were found between 1980 and 1982 in the representation of Natives in fine default admissions for provincial statute, Criminal Code or other federal statute admissions.*

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*There was a sizeable decrease in the proportion of Natives among other federal fine default admissions in Saskatchewan; however, the number of fine default admissions for these offences was very low in both years.

All Admissions:

Data on the representation of Natives in sentence and fine default admissions are combined as "total admissions" on Table 2.5 for the six jurisdictions for which data on both types of admissions were available. (See also Figure 2.4.)

As expected from the preceding analysis, there were variations by the major offence category in the Native/non-Native composition of admissions to custody. If we compare admissions for Criminal Code and provincial statute violations, we find that:

- In three provinces (Alberta, Saskatchewan and Ontario), Natives constituted larger proportions of provincial statute admissions than they did of Criminal Code admissions.
- In both the Yukon and B.C., the reverse was the case -- Natives were more heavily represented among Criminal Code admissions than they were among admissions for provincial/territorial violations.
- In one province (Manitoba), Natives accounted for similar proportions of admissions for provincial and Criminal Code offences.

In Alberta, Saskatchewan and Manitoba, Native persons comprised lower proportions of admissions for other federal statute violations than for admissions for the other two major offence categories.

Table 2.5

NATIVES AS A PERCENTAGE OF ALL PROVINCIAL OFFENCE, CRIMINAL CODE, AND OTHER FEDERAL STATUTE ADMISSIONS* TO PROVINCIAL CUSTODY, BY SELECTED JURISDICTIONS

JURISDICTION	YUKON	B.C.		ALBERTA		SASKATCHEWAN		MANITOBA	ONTARIO	
YEAR	1983	80-1	82-3	80	82	80-1	82-3	1982	80-1	82-3
Percent Natives of all admissions	56.4%	18.3%	16.1%	28.9%	26.6%	59.3%	60.6%	46.3%	12.0%	11.6%
Provincial statutes:										
Percent Natives	45.3%	11.5%	10.6%	39.8%	36.7%	79.2%	76.8%	51.1%	21.4%	19.0%
Number of Natives	(29)	(17)	(89)	(630)	(664)	(506)	(537)	(178)	(3,931)	(4,547)
Total provincial statute admissions	64	148	840	1,582	1,809	639	699	348	18,333	23,954
Criminal Code:										
Percent Natives	60.6%	19.3%	17.1%	29.0%	25.9%	57.7%	58.2%	48.8%	6.8%	6.8%
Number of Natives	(209)	(1,186)	(1,912)	(1,932)	(2,363)	(3,036)	(3,703)	(1,453)	(2,348)	(2,784)
Total Criminal Code admissions	345	6,131	11,189	6,660	9,121	5,262	6,362	2,975	34,353	41,138
Other federal statutes:										
Percent Natives	20.0%	7.8%	10.0%	8.5%	12.3%	31.6%	43.5%	20.8%	13.4%	17.0%
Number of Natives	(4)	(49)	(105)	(80)	(129)	(50)	(54)	(74)	(452)	(743)
Total other federal statute admissions	20	630	1,055	945	1,050	158	124	355	3,365	4,363

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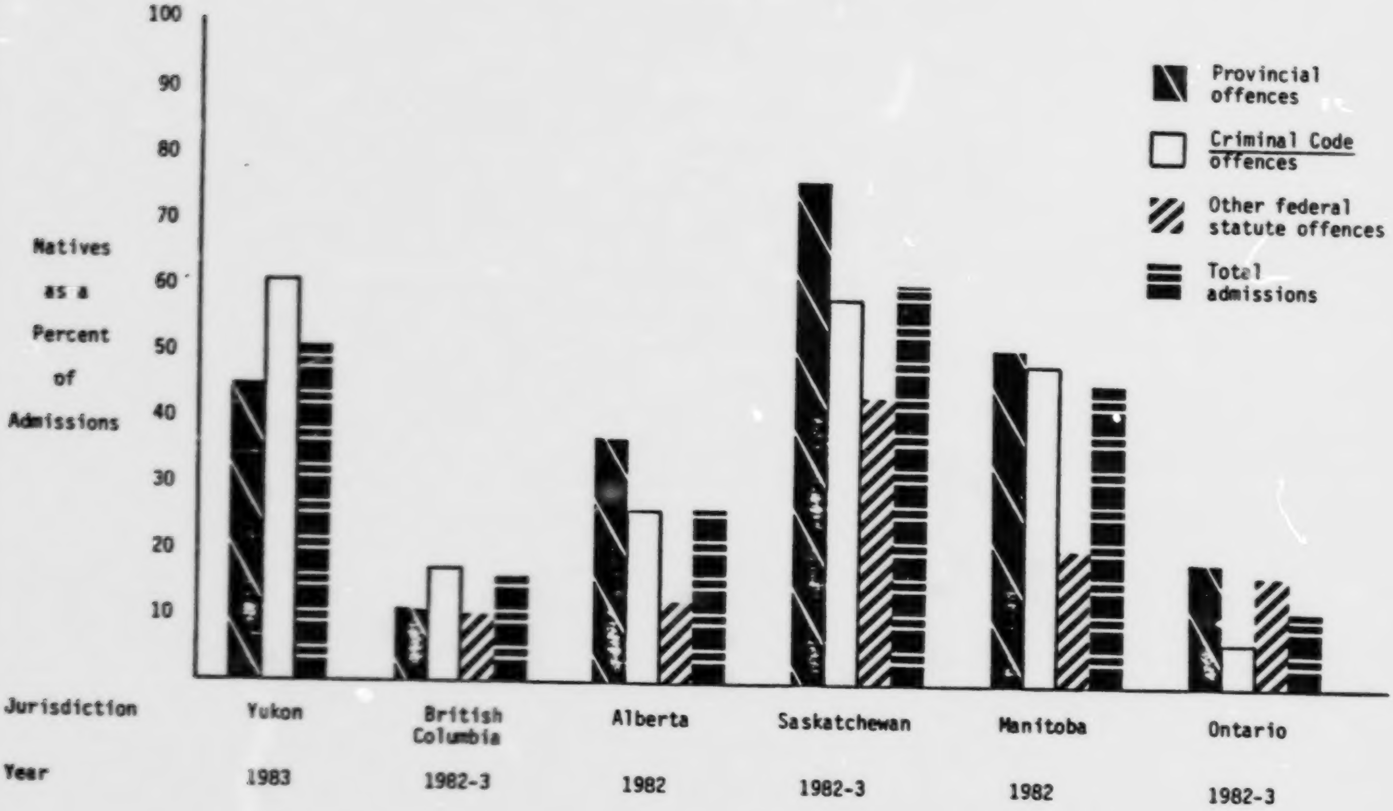
*Includes both sentence and fine default admissions.

Figure 2.4

NATIVES AS A PERCENTAGE OF ALL PROVINCIAL, CRIMINAL CODE, AND OTHER FEDERAL OFFENCE ADMISSIONS TO PROVINCIAL/TERRITORIAL CUSTODY



For Criminal Code and provincial statute admissions, the proportions of admissions accounted for by Natives exhibited a stable or a very slight downward movement from 1980 to 1982 in most jurisdictions (Table 2.5). In contrast, the proportion of Native admissions consistently rose for other federal statute admissions in all jurisdictions.

Rates of Admission of Natives and Non-Natives

The analysis thus far has implicitly addressed the issue of "overrepresentation" of Native persons in custodial admissions by describing the proportion of admissions to provincial/territorial custody comprised by Native persons.

However, in order to address this issue explicitly, Native admissions must be considered relative to the size of the Native population in each jurisdiction. This section examines the regional rates of Native admissions -- that is, the percent of the Native population 15 years or older admitted to custody* -- and ranks these rates from highest to lowest across jurisdictions.

Meaningful comparisons across jurisdictions of the extent of Native overrepresentation in the correctional systems of Canada must not only consider variable population size, but also regional variations in legislation and sentencing practices that apply to both Natives and non-Natives. To this end, the non-Native rates of admission -- the percent of the non-Native population 15 years or older admitted to custody -- are also presented and ranked from highest to lowest.

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*Note that the rate of admission in 1983/1982-3 of Native persons was calculated by dividing the number of Native admissions by the number of Natives 15 years or older in the population in 1981, and expressed as a percentage.

The population data used in calculating rates of admission in this chapter were obtained from the 1981 census, "Population by Selected Ethnic Origins", Statistics Canada, Catalogue Number 92-911 (Table 3). Some commentators have claimed that census data severely underrepresents the Native population. Despite this possibility, the use of census data is preferable to any available alternative method of determining the number of persons of Native origin in Canada.

The ratios of Native to non-Native rates of admission for each jurisdiction therefore reflect the relative over- (or under-) representation of Natives among custodial admissions.

The Native and non-Native rates of custodial admission, their respective ranks, and the ratios of Native:non-Native rates (our measure of Native "overrepresentation") are shown in Tables 2.6 to 2.8, and Figures 2.5 to 2.7, for sentence, fine default and total admissions.

In all jurisdictions, for both Natives and non-Natives, the rates of custodial admissions were higher for sentence admissions than for fine default admissions. However, in all jurisdictions -- for both admissions on a mandatory sentence from the court and for fine default admissions -- the rates of custodial admission were always considerably higher for Natives than for non-Natives. Furthermore, Native relative overrepresentation was greater in fine default admissions than in sentence admissions in all jurisdictions except the Yukon.* While in British Columbia, the difference in the Native:non-Native ratios for sentence and fine default admissions was negligible (8 versus 9), the difference was striking in Saskatchewan (26 versus 69)

On Tables 2.6 to 2.8, the columns indicating the respective ranks of Native and non-Native admission rates show that Saskatchewan and Ontario tended

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*Compare the ratios in Table 2.7 to those in Table 2.6.

Table 2.6

RATES OF CUSTODIAL ADMISSIONS OF NATIVES AND NON-NATIVES ON A COURT SENTENCE*

Jurisdiction	Year	Native Admissions as a % of Native Population	Rank	Non-Native Admissions as a % of Non-Native Population	Rank	Ratio of Native to Non-Native Rates of Admission
YUKON	1983	5.84	3	0.79	1	7.4
BRITISH COLUMBIA	1982-3	3.46	5	0.46	3	7.5
ALBERTA	1982	4.05	4	0.33	5	12.1
SASKATCHEWAN	1982-3	9.23	1	0.36	4	25.6
MANITOBA	1982	3.44	6	0.22	6	15.6
ONTARIO	1982-3	7.09	2	0.69	2	10.3

---

*Population data of Natives and non-Natives 15 years or older obtained from the 1981 Census.

Figure 2.5

RATES OF CUSTODIAL ADMISSIONS OF NATIVES AND NON-NATIVES ON A COURT SENTENCE

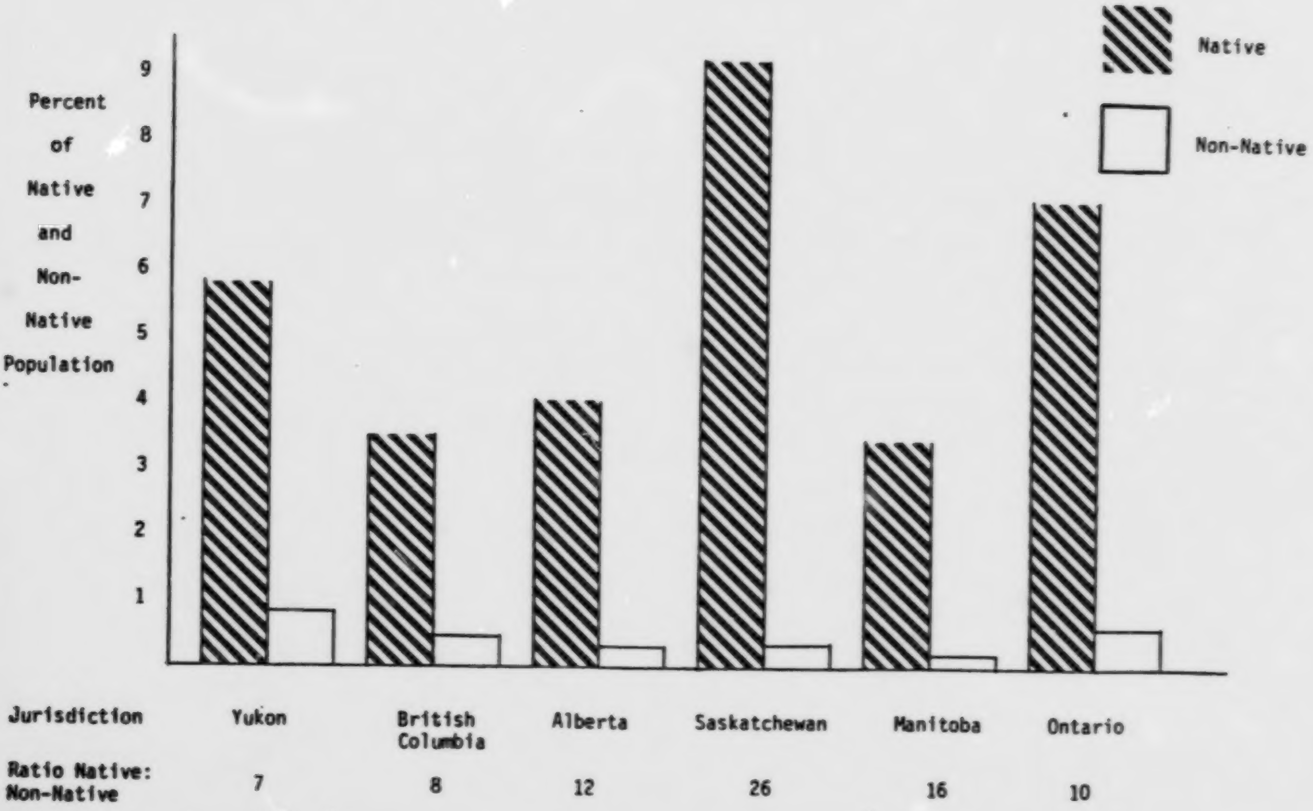

Table 2.7

RATES OF CUSTODIAL ADMISSIONS OF NATIVES AND NON-NATIVES FOR FINE DEFAULT*

Jurisdiction	Year	Native Admissions as a % of Native Population	Rank	Non-Native Admissions as a % of Non-Native Population	Rank	Ratio of Native to Non-Native Rates of Admission
YUKON	1983	3.40	4	0.52	1	6.5
BRITISH COLUMBIA	1982-3	0.69	6	0.08	4	8.6
ALBERTA	1982	3.77	3	0.22	3	17.1
SASKATCHEWAN	1982-3	4.13	2	0.06	5.5	68.8
MANITOBA	1982	1.01	5	0.05	5.5	20.2
ONTARIO	1982-3	4.35	1	0.25	2	17.4

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*Population data of Natives and non-Natives 15 years or older obtained from the 1981 Census.

Figure 2.6

RATES OF CUSTODIAL ADMISSIONS OF NATIVES AND NON-NATIVES FOR FINE DEFAULT

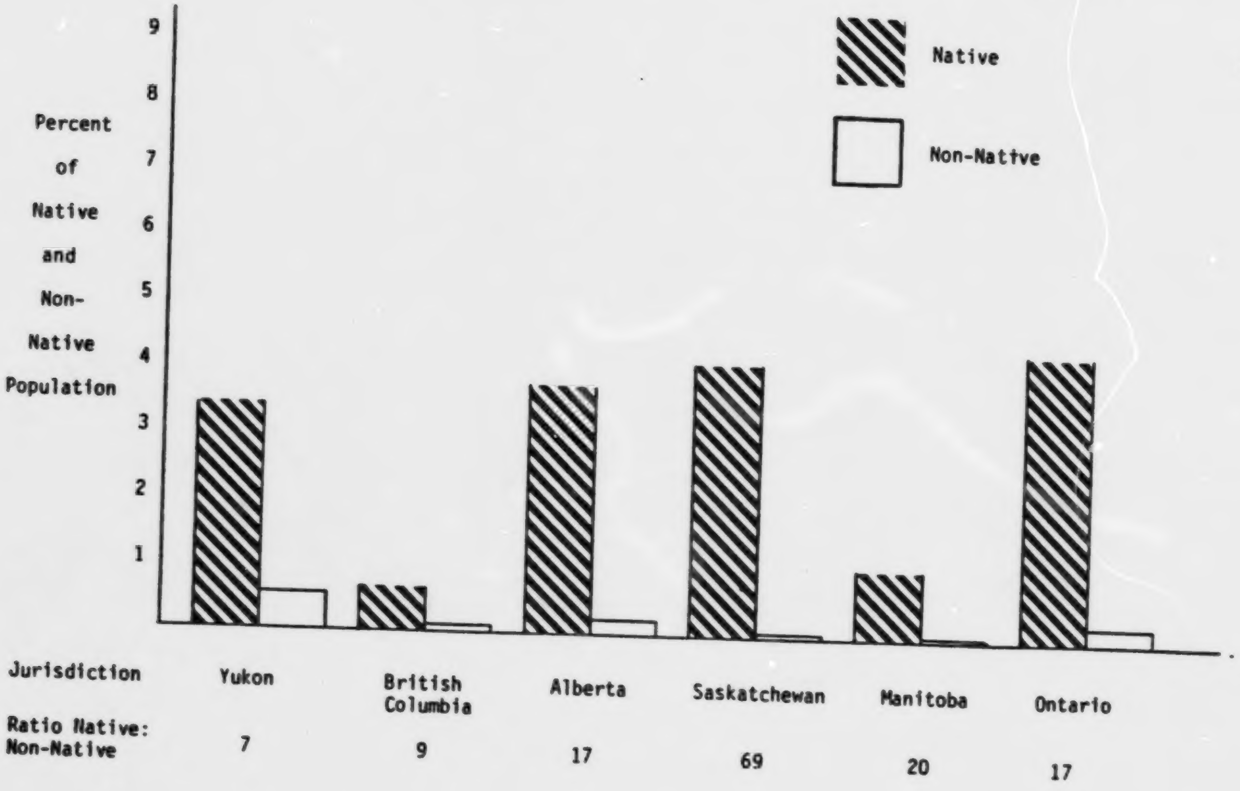


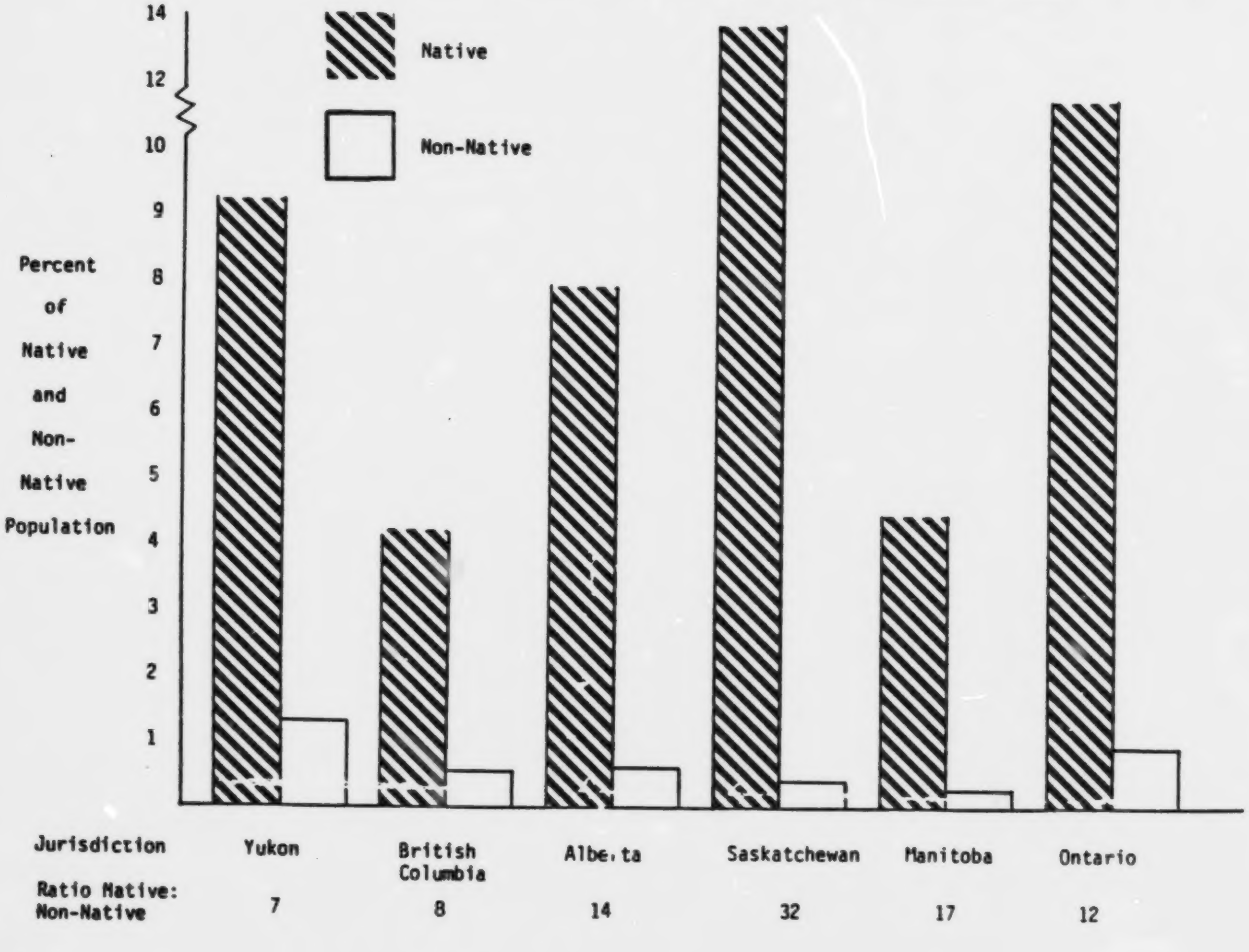
Table 2.8

RATES OF CUSTODIAL ADMISSIONS OF NATIVES AND NON-NATIVES

Jurisdiction	Year	Native Admissions as a % of Native Population	Rank	Non-Native Admissions as a % of Non-Native Population	Rank	Ratio of Native to Non-Native Rates of Admission
YUKON	1983	9.24	3	1.30	1	7.1
BRITISH COLUMBIA	1982-3	4.15	6	0.54	4	7.7
ALBERTA	1982	7.87	4	0.56	3	14.1
SASKATCHEWAN	1982-3	13.36	1	0.42	5	31.8
MANITOBA	1982	4.45	5	0.27	6	16.5
ONTARIO	1982-3	11.44	2	0.93	2	12.3

Figure 2.7

RATES OF CUSTODIAL ADMISSIONS OF NATIVES AND NON-NATIVES



to have the two highest Native admission rates of the six jurisdictions under discussion. However, while Ontario ranked similarly high for non-Native admission rates, suggesting a generally greater reliance on the use of custodial sanctions in that province compared to other jurisdictions, Saskatchewan tended to rank in the lower end of the range of non-Native admission rates. Thus, the earlier finding of consistently much higher proportions of admissions accounted for by Natives in Saskatchewan (as compared to other jurisdictions) is due not only to that province's high rate of admissions of Natives, but as well to the relatively large difference between the rates of admission of Natives and non-Natives.

British Columbia and Manitoba tended to have the two lowest Native admission rates among the jurisdictions.

The sentence admissions data for Manitoba (on Table 2.6) can also be used to illustrate the care that must be taken in interpreting statistics on the degree of overrepresentation of Natives among admissions. If one were to look simply at the ratios of admission rates in the last column of Table 2.6, one would conclude that the overrepresentation of Natives as opposed to non-Natives in Manitoba was second only to that in Saskatchewan (i.e., 16 and 26, respectively). However, a more careful examination of the table indicates that Manitoba had the lowest admission rates for both Natives (3.44%) and non-Natives (0.22%).

The initial indication that Natives were overrepresented in admissions in Manitoba (as compared to all other jurisdictions but Saskatchewan) must be clarified; both Natives and non-Natives were admitted at a relatively lower rate in Manitoba than elsewhere, but the rate for non-Natives was especially low compared to the rates for non-Natives in other jurisdictions.

In light of the measure of overrepresentation used in this report, British Columbia also consistently demonstrated a relatively low degree of overrepresentation of Natives among admissions when compared to other jurisdictions.* While British Columbia had the lowest rates of admissions of Natives, the percentage of the non-Native population admitted to custody was in the middle range (i.e., ranks of 3 or 4, depending on the type of admission).

Tables 2.9 and 2.10 show sentence admission rates for provincial statute and Criminal Code offences separately, in order to ascertain the difference, if any, in the extent of overrepresentation in these two major offence categories: does Native overrepresentation in correctional systems differ by the nature of the admitting offence?

Because of insufficient numbers of provincial offence sentence admissions, only three provinces can be compared. The ratios of the Native:non-Native rates of admission for sentence admissions was considerably greater for provincial statute violations than for Criminal Code offences in Ontario,

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*The ratios of Native:non-Native rates for the Yukon were the lowest of all jurisdictions; this result was due mainly to the Yukon's having the highest rate for non-Natives (and only an "average" rate of admission for Natives).

Table 2.9

RATES OF CUSTODIAL ADMISSIONS OF NATIVES AND NON-NATIVES ON A COURT SENTENCE FOR A PROVINCIAL OFFENCE*

Jurisdiction	Year	Native Admissions as a % of Native Population	Rank	Non-Native Admissions as a % of Non-Native Population	Rank	Ratio of Native to Non-Native Rates of Admission
YUKON	1983	Numbers insufficient for analysis				
BRITISH COLUMBIA	1982-3	0.16	2.5	0.03	2	5.3
ALBERTA	1982	0.15	2.5	0.01	3	15.0
SASKATCHEWAN	1982-3	Numbers insufficient for analysis				
MANITOBA	1982					
ONTARIO	1982-3	3.41	1	0.15	1	22.7

---

*Population data of Natives and non-Natives 15 years or older obtained from the 1981 Census.

Table 2.10

RATES OF CUSTODIAL ADMISSIONS OF NATIVES AND NON-NATIVES ON A COURT SENTENCE FOR A CRIMINAL CODE OFFENCE*

Jurisdiction	Year	Native Admissions as a % of Native Population	Rank	Non-Native Admissions as a % of Non-Native Population	Rank	Ratio of Native to Non-Native Rates of Admission
YUKON	1983	5.80	2	0.72	1	8.1
BRITISH COLUMBIA	1982-3	3.08	5.5	0.38	3	8.1
ALBERTA	1982	3.57	3	0.28	5	12.8
SASKATCHEWAN	1982-3	9.01	1	0.35	4	25.7
MANITOBA	1982	3.25	4	0.17	6	19.1
ONTARIO	1982-3	3.08	5.5	0.49	2	6.3

---

*Population data of Natives and non-Natives 15 years or older obtained from the 1981 Census.

while the reverse was the case in British Columbia. The difference was most extreme in Ontario, where the ratio of Native to non-Native admission rates was 23 to 1 for provincial offences, and 6 to 1 for Criminal Code sentence admissions; the overall ratio for Ontario sentence admissions was 10 to 1.

Tables 2.11 and 2.12 show similar data for fine default admissions. In three of the four provinces (Manitoba being the exception) for which comparisons between provincial statute and Criminal Code fine default admissions can be made, the extent of overrepresentation of Natives was greater for provincial statute violations than for Code admissions. Again, the difference was most striking in Ontario, where the ratios of admission rates was 22 to 1 for provincial offence admissions and 10 to 1 for Code fine default admissions, compared to 17 to 1 for all fine default admissions.

Table 2.11

RATES OF CUSTODIAL ADMISSIONS OF NATIVES AND NON-NATIVES ON A FINE DEFAULT FOR A PROVINCIAL OFFENCE*

Jurisdiction	Year	Native Admissions as a % of Native Population	Rank	Non-Native Admissions as a % of Non-Native Population	Rank	Ratio of Native to Non-Native Rates of Admission
YUKON	1983	))Numbers insufficient for analysis)				
BRITISH COLUMBIA	1982-3					
ALBERTA	1982	1.44	3	0.06	2	24.0
SASKATCHEWAN	1982-3	1.53	2	0.02	3.5	76.5
MANITOBA	1982	0.39	4	0.02	3.5	19.5
ONTARIO	1982-3	3.04	1	0.14	1	21.7

---

*Population data of Natives and non-Natives 15 years or older obtained from the 1981 Census.

Table 2.12

RATES OF CUSTODIAL ADMISSIONS OF NATIVES AND NON-NATIVES ON A FINE DEFAULT FOR A CRIMINAL CODE OFFENCE*

Jurisdiction	Year	Native Admissions as a % of Native Population	Rank	Non-Native Admissions as a % of Non-Native Population	Rank	Ratio of Native to Non-Native Rates of Admission
YUKON	1983	Numbers insufficient for analysis				
BRITISH COLUMBIA	1982-3	0.61	4	0.07	3	8.7
ALBERTA	1982	2.09	2	0.14	1	14.9
SASKATCHEWAN	1982-3	2.47	1	0.04	4.5	61.8
MANITOBA	1982	0.55	5	0.03	4.5	18.3
ONTARIO	1982-3	0.86	3	0.09	2	9.6

---

*Population data of Natives and non-Natives 15 years or older obtained from the 1981 Census.

Summary

Chapter 2 has examined recent data on Native representation among custodial admissions. Attention has been given both to the extent of Native representation *per se*, and to a comparison of the extent of Native representation to that of non-Natives. In addition, the chapter has explored whether Native representation among admissions differs by the type of admission (i.e., sentence or fine default) and the admitting offence (i.e., provincial/territorial, *Criminal Code* or other federal offences). Finally, data has been presented separately for admissions to federal penitentiaries and for custodial admissions to six provincial/territorial correctional systems.

The analysis first of all confirms that Natives constitute a significant proportion of admissions to custodial institutions in Canada -- 10% of sentence admissions to federal penitentiaries in 1982, and much higher proportions in most of the other jurisdictions from which data were available. It is, however, also clear that there are major differences from one jurisdiction to another. For instance, in 1982-3/1983, Natives accounted for less than 17% of federal admissions and provincial admissions in Ontario and British Columbia, roughly one-quarter of provincial admissions in Alberta, but accounted for close to one-half of provincial admissions in Manitoba, and over one-half of admissions in the Yukon and Saskatchewan.

By comparing data on the number of Natives among custodial admissions with data on the number of Natives among the general population, the chapter also confirms a third fact: as opposed to non-Natives, Natives are considerably overrepresented among custodial admissions. Further, the extent of the differential between Native and non-Native representation varies considerably from jurisdiction to jurisdiction. For example, relative to the other jurisdictions considered, Saskatchewan consistently demonstrated relatively high rates of admission for Natives* and relatively low rates of admissions for non-Natives. On the other hand, Ontario consistently had relatively high rates of admission for both Natives and non-Natives.

The chapter does, however, underline the fact that simplistic descriptions of overrepresentation must not be misinterpreted. For instance, although there was a relatively large (proportional) differential between the rates of admission for Natives and non-Natives in Manitoba, this finding should be coupled with the finding that Manitoba had among the lowest rates of admission for both Natives and non-Natives. Similarly, although Natives comprise a relatively high proportion of admissions in the Yukon, the Yukon has a relatively low rate of Native admission (when population size is taken into consideration); the ratio of Native:non-Native admissions is the lowest (with B.C.) of all jurisdictions because the Yukon has relatively high rates of admission for non-Natives.

In addition to differences between Native and non-Native admissions, and inter-jurisdictional differences, the chapter also investigated whether the type of admission or the type of the admitting offence were also associated with variation in the representation of Natives.

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* I.e., number of admissions of Natives divided by the number of Natives in the general population 15 years or older.

Regarding admission type, other than in the Yukon, Natives were more heavily represented among fine default admissions than among sentence admissions. In addition, while the rates of Native admissions tended to be larger for sentence admissions than for fine default admissions, Native overrepresentation (as compared to non-Native representation)* was greater in fine default admissions than in sentence admissions.

Differences in Native representation were also associated with differences in the major offence category of the admitting offence. Admissions for non-Criminal Code federal statute violations exhibited lower Native representation in either provincial or Criminal Code offences in five out of the six jurisdictions (Ontario being the exception). In Alberta, Saskatchewan and Ontario, Natives accounted for larger proportions of provincial statute admissions than of Criminal Code admissions. As well, In Alberta and Ontario, Native overrepresentation (compared to the non-Native representation) tended to be greater in provincial statute than in Criminal Code admissions.

When custodial admissions were distinguished by both type of admission and by major offence category of the admitting offence, the relative ordering of the jurisdictions in terms of the representation of Natives did not differ from the findings cited above -- Saskatchewan virtually always had the largest, and B.C. and Ontario the smallest proportion of Natives among custodial admissions.

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*As measured by the ratio of Native: non-Native rates of admission.

Chapter 3: COMPARISONS OF NATIVE AND NON-NATIVE ADMISSIONS TO PROVINCIAL/TERRITORIAL CUSTODY: THE MAJOR OFFENCE CATEGORY OF THE ADMITTING OFFENCE

Introduction

This chapter explores the differences in the profiles of Native and non-Native admissions in terms of the major offence categories of provincial statute violations, Criminal Code offences, and other federal statute offences. In Chapter 2, this classification of offences was used to describe the degree of representation, and overrepresentation, of Native persons among admissions to provincial custody. In this and subsequent chapters, rather than comparing the percent of all admissions accounted for by Natives with that for non-Natives, the analysis compares Native admissions to non-Native admissions in order to determine whether there are substantial differences in the offence profiles of the two groups.

The differences in Native and non-Native admitting offence patterns are analyzed separately for sentence, fine default, and total admissions, utilizing data from 1982 or 1983, depending on the jurisdiction. Although 1980 data are not analyzed in detail, the conclusions drawn about the differences in the admissions profiles of the two groups apply to both years. Analysis of 1980 data is incorporated in order to present the percentage change between 1980 and 1982 in the number of admissions of each racial group.*

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*Statistics on admissions in 1980 (fiscal or calendar year) were obtained from British Columbia, Alberta, Saskatchewan, and Ontario.

Sentence Admissions

Figure 3.1 portrays the offence profiles of Native and non-Native sentence admissions for the major offence categories of provincial statute violations, Criminal Code, and other federal offences. In all jurisdictions but Ontario, the large majority of sentence admissions had a Criminal Code offence as the most serious admitting offence: over 80% of admissions in British Columbia, Alberta, and Manitoba, and 90% or more of sentence admissions in the Yukon, N.W.T., and Saskatchewan were for violations of the Code. Thus, the less serious, "quasi-criminal" provincial/territorial violations comprised a small proportion of sentence admissions everywhere except in Ontario.

Only in Ontario and, to a lesser extent, in Manitoba, were there any marked racial differences in the offence profiles. In Manitoba, 95% of Native, as opposed to 81% of non-Native sentence admissions were the result of a mandatory sentence for a Criminal Code charge. The difference is accounted for by the disproportionate number of non-Native admissions for other federal violations: 15% of Manitoba non-Native, but only 3% of Native admissions had a non-Criminal Code federal offence as the admitting charge.

In Ontario, the findings were quite different. Unlike other jurisdictions, a much larger proportion of Native admissions resulted from a provincial offence than did non-Native entries to custody; 48% of Native, versus 22% of non-Native sentence admissions, had a provincial infraction as the admitting offence. The proportion of Native admissions with a Criminal Code admitting

Figure 3.1

A COMPARISON OF NATIVE AND NON-NATIVE SENTENCE ADMISSIONS TO PROVINCIAL/TERRITORIAL CUSTODY

BY THE MAJOR OFFENCE CATEGORY OF THE ADMITTING OFFENCE

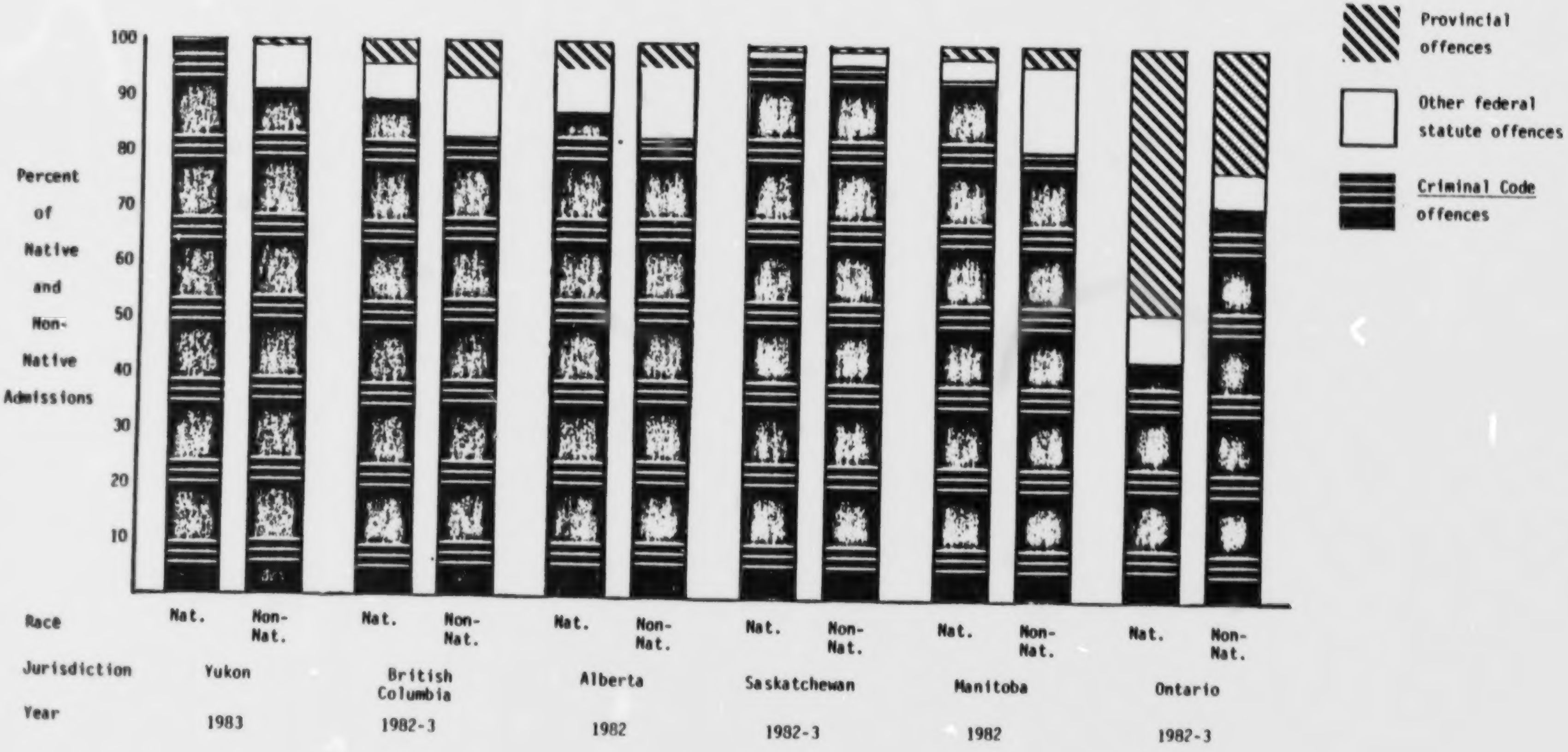

Table 3.1

A COMPARISON OF NATIVE AND NON-NATIVE SENTENCE ADMISSIONS TO PROVINCIAL CUSTODY, BY THE MAJOR OFFENCE CATEGORY: 1982 OR 1983

JURISDICTION	YUKON			N.W.T.	BRITISH COLUMBIA			ALBERTA			SASKATCHEWAN			MANITOBA			ONTARIO		
YEAR	1983			1982	1982-3			1982			1982-3			1982			1982-3		
RACE	Native	Non-Native	Total	Total	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total
Provincial statutes	0.7%	1.8%	1.1%	5.1%	4.5%	7.0%	6.6%	3.5%	2.6%	2.8%	1.4%	1.3%	1.4%	2.2%	3.7%	3.0%	48.1%	22.4%	25.0%
Criminal Code	99.3	91.2	95.9	89.7	89.1	82.8	83.8	86.9	82.1	83.2	97.6	96.3	97.0	94.5	81.0	87.1	43.5	71.5	68.7
Other federal statutes	0	7.1	3.0	5.3	4.1	7.8	7.2	2.8	11.3	9.3	0.5	1.8	1.1	3.3	15.3	9.9	8.4	6.1	6.3
Not known	0	0	0	0	2.3	2.3	2.3	6.8	4.1	4.7	0.5	0.6	0.5	0	0	0	0	0	0
Total percent	100.0%	100.1%	100.0%	100.1%	100.0%	99.9%	99.9%	100.0%	100.1%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Total number of sentence admissions	153	113	266	N.A.	1,793	9,552	11,345	1,721	5,500	7,221	2,976	2,477	5,453	1,317	1,589	2,906	5,002	45,251	50,253

offence was correspondingly lower than that of non-Native admissions (44% and 72%, respectively). (See Table 3.1.)

Information on the percentage change between 1980 and 1982 in the number of sentence admissions for each cohort is available for B.C., Alberta, Saskatchewan, and Ontario. In the two year time span, there was an increase in the total number of sentence admissions in these four provinces, and there were clear inter-provincial differences (Table 3.2).

Table 3.2

THE PERCENTAGE CHANGE IN NATIVE AND NON-NATIVE SENTENCE ADMISSIONS TO PROVINCIAL CUSTODY BETWEEN 1980 AND 1982

RISDICTION CE	BRITISH COLUMBIA			ALBERTA			SASKATCHEWAN			ONTARIO		
	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	To
ovincial statute missions	+575%	+665%	+654%	-22%	+18%	+3%	Numbers insufficient			+12%	+32%	+2
minal Code missions	+62%	+84%	+80%	+23%	+39%	+35%	+21%	+17%	+19%	+19%	+20%	+2
er federal statute issions	+92%	+52%	+55%	Numbers insufficient	0%	+2%	Numbers insufficient			+79%	+21%	+2
al sentence admissions	+53%	+74%	+70%	+20%	+31%	+28%	+22%	+16%	+19%	+18%	+22%	+2.

With regard to inter-provincial differences, in Saskatchewan Native sentence admissions increased only slightly more than did non-Native admissions (+22% and +16%, respectively). In B.C. and Alberta, the opposite was the case -- the number of non-Native admissions rose at a faster rate than did the number of Native admissions. In Ontario, the percentage change was roughly the same for the two groups.

Turning to racial differences in the rates of growth for each major offence category, it is apparent that in Ontario there was no difference by race in the percentage increase for Criminal Code sentence admissions in the two year period, but provincial statute admissions rose almost one-third for non-Natives, and only 12% for Natives.

Alberta data show that there was a decrease in the number of provincial statute admissions of Natives (-22%), but an increase in non-Native admissions of 18%; Criminal Code admissions also rose proportionately more for the non-Native group.

In British Columbia, there was not only a dramatic increase of 70% in the total number of sentence admissions, but also a striking five- to sixfold increase in provincial statute admissions. Almost all of this change is explained by the rise in motor vehicle admissions. In 1981, amendments to the Motor Vehicle Act (R.S.B.C., 1981, Ch. 21, s. 55) created mandatory minimum periods of imprisonment for convictions for driving while under suspension.* Although Native admissions rose slightly less than did non-Native provincial offence admissions, this legislative change affected Native and non-Native admissions for provincial offences in approximately similar ways (+575% and +665%, respectively). Also in B.C., the number of non-Native Criminal Code sentence admissions rose in larger proportions than did the Native admissions for such offences (+62% versus +84%).

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*This change was precipitated by the Supreme Court decision that the analogous offence in the Criminal Code was ultra vires. In B.C., the offender is liable to a fine from $300 to $2,000 and prison from 7 days to 6 months for the first conviction. No other jurisdiction had a mandatory minimum sentence for this offence during the years under investigation (1980 to 1983).

Saskatchewan data on provincial and other federal offence admissions do not have sufficient numbers for the analysis of the percentage change in admissions between 1980 and 1982.

One trend was apparent for three provinces: non-Native admissions for other federal offences rose at a much slower rate than did Native admissions.

Fine Default Admissions

The Criminal Code of Canada specifies maximum periods of imprisonment of 6 months, 2 years, or 5 years (depending on the offence) for defaulting on a fine resulting from a conviction on a Code offence.

All provinces and territories have statutory provisions for dealing with default on fines for provincial offences. The legislation differs as to whether the procedures for handling fine default are contained in the substantive statute (e.g., traffic, liquor legislation), or in the province's general "provincial offences" or "summary convictions" acts. Further research on the statutes of each jurisdiction and the associated case law would be required to obtain a detailed comparison of fine default provisions, and variations among jurisdictions in the procedures and penalties prescribed. In this and later chapters, brief mention of provincial and federal legislation will be made to provide the context needed for the discussion of jurisdictional variations in fine default admissions.

In every jurisdiction but one (Ontario), most sentence admissions of both Natives and non-Natives resulted from a conviction on a Criminal Code offence.* However, fine default admissions to provincial custody, while predominantly for Code offences, nonetheless had a much lower proportion of admissions with a Criminal Code charge as the admitting offence than did sentence admissions. In five of the six jurisdictions, a larger percentage of fine default than sentence admissions were the consequence of a provincial statute conviction. (Compare Figure 3.2 to Figure 3.1.)

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*In Ontario, although most non-Native sentence admissions were for a Criminal Code offence, only 44% of Native admissions were for such offences.

In the sixth jurisdiction, British Columbia, few admissions (4% of 1982 fine default admissions) occurred because the offender did not pay a fine on a provincial offence (Table 3.3). Of the jurisdictions discussed in this report, British Columbia is the sole province which routinely utilizes civil procedures for fine default on a provincial offence. In British Columbia, if the offender does not pay the fine on a provincial offence, the matter is handled in the Small Claims Court.*

At the opposite extreme was Ontario, where in 1982-3, almost 60% of all fine default admissions were the consequence of non-payment of a fine on a provincial statute conviction. This finding is somewhat surprising, since the Provincial Offences Act introduced a number of provisions intended to reduce imprisonment for fine default.

> Section 70 (of the Act) deals with default. Once the period for payment expires (usually fifteen days) a justice is empowered in ss. (2) to order the suspension or non-renewal of "any permit, license, registration or privilege in respect of which a suspension is authorized." If this method fails ss. (3) enables an imprisonment warrant to issue but only if all other reasonable methods of collection have been tried and failed, or if such methods are clearly unlikely to succeed, and the defendant has been given fifteen days notice of the intent to issue the warrant. Subsection (4) provides additional powers in "exceptional circumstances". There is clearly, therefore, a manifest legislative intention not to use imprisonment for any provincial offence unless it appears absolutely necessary.
>
> Goldsmith, 1982: 90

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*In B.C., s. 72(1) of the Offences Act (R.S.B.C., 1979, Ch.305) states that no justice shall order that a person be imprisoned for default of a fine, except under the Small Claims Act.

Figure 3.2

A COMPARISON OF NATIVE AND NON-NATIVE FINE DEFAULT ADMISSIONS TO PROVINCIAL/TERRITORIAL CUSTODY

BY THE MAJOR OFFENCE CATEGORY OF THE ADMITTING OFFENCE

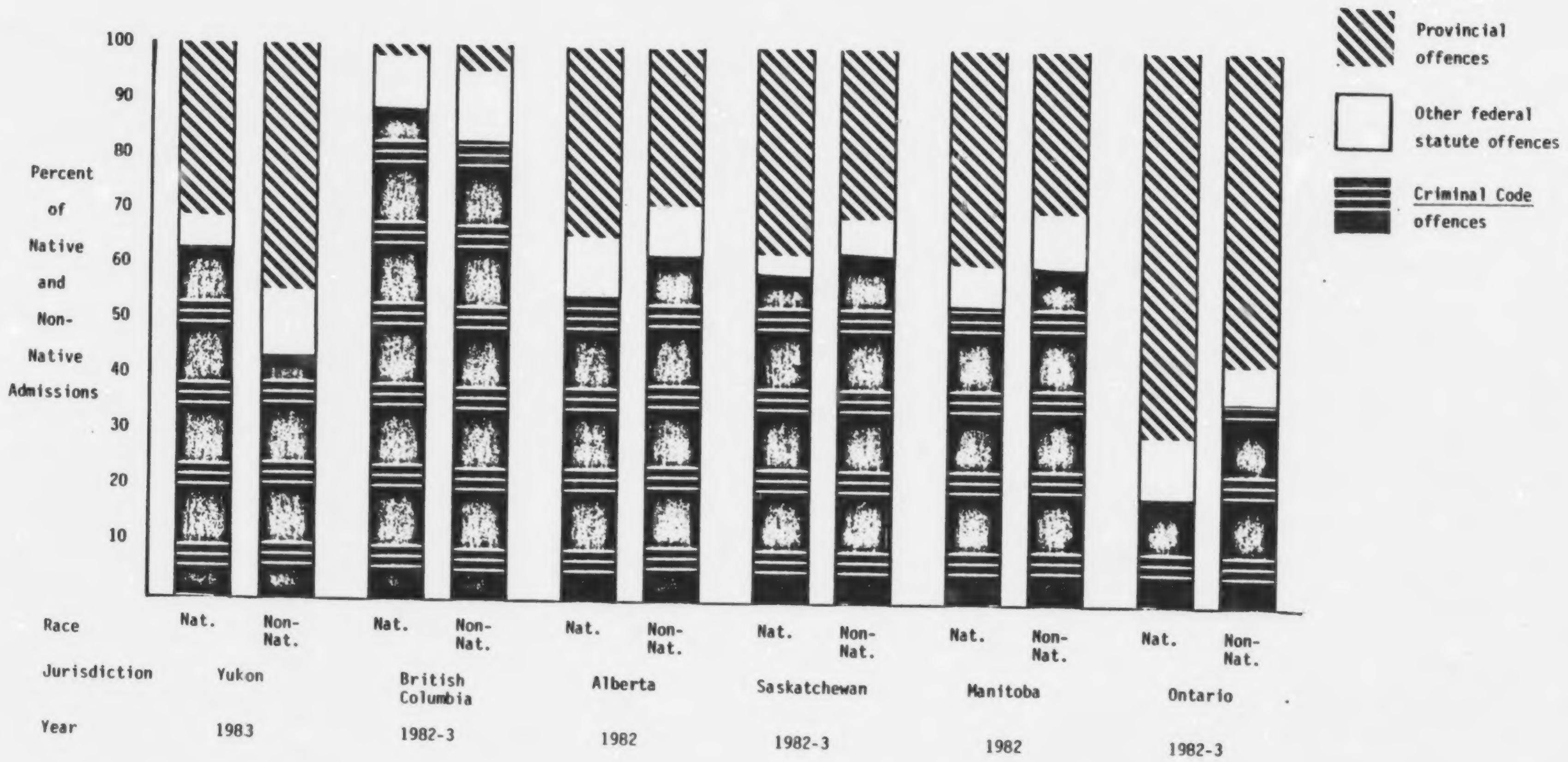

Table 3.3

A COMPARISON OF NATIVE AND NON-NATIVE FINE DEFAULT ADMISSIONS TO PROVINCIAL CUSTODY, BY THE MAJOR OFFENCE CATEGORY: 1982 OR 1983

JURISDICTION	YUKON			BRITISH COLUMBIA			ALBERTA			SASKATCHEWAN			MANITOBA			ONTARIO		
YEAR	1983			1982-3			1982			1982-3			1982			1982-3		
RACE	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total
Provincial statutes	31.5%	44.6%	37.4%	2.2%	4.6%	4.2%	38.4%	28.0%	31.2%	37.1%	30.3%	35.4%	38.1%	29.3%	33.7%	69.7%	57.3%	59.3%
Criminal Code	64.0	44.6	55.2	88.0	81.1	82.3	55.3	62.8	60.5	59.9	63.6	60.8	54.1	60.9	57.5	19.8	37.2	34.5
Other federal statutes	4.5	10.8	7.4	8.9	12.2	11.6	5.2	8.4	7.4	3.0	6.1	3.7	7.8	9.8	8.8	10.4	5.4	6.2
Not known	0	0	0	0.8	2.1	1.9	1.2	0.8	0.9	0	0	0	0	0	0	0	0	0
Total percent	100.0%	100.0%	100.0%	99.9%	100.0%	100.0%	100.1%	100.0%	100.0%	100.0%	100.0%	99.9%	100.0%	100.0%	100.0%	99.9%	99.9%	100.0%
Total number of fine default admissions	89	74	163	358	1,685	2,043	1,571	3,575	5,146	1,332	429	1,761	386	386	772	3,072	16,130	19,202

Furthermore, a training manual prepared for use by Ontario justices of the peace states that one of the objectives of the Act was: "to replace imprisonment as a form of sentencing with civil enforcement of fines" (Law Society of Upper Canada, 1980: 136). Despite a provision for the collection of a defaulted fine in the same manner as any civil judgment debt, civil enforcement does not appear to be utilized to any great extent in Ontario.*

In other jurisdictions (e.g., Manitoba and Alberta), the wording of their respective Summary Convictions Acts also suggests that the justice has discretion in determining whether a warrant of committal should be issued for fine default. However, it does appear that legislative intent (as in Ontario) and statutory provisions may have little relationship to the day-to-day operation of the legislation.

As Figure 3.2 illustrates, there was a weak tendency in Alberta, Saskatchewan, Manitoba and Ontario for larger proportions of Native than non-Native fine default admissions to result from a provincial offence (differences between the two groups were from 7 to 12 percentage points). In Ontario, there was also a difference by race in fine default admissions for Criminal Code and other federal offences: non-Native admissions were almost twice as likely as Native admissions to be the result of default on a Code charge (37% versus 20%); Native admissions, on the other hand, were more likely to have been admitted for defaulting on a fine for an other federal offence (10% of Native and 5% of non-Native fine default admissions).

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*And, in fact, the same training manual states that "for practical reasons this option (i.e., civil enforcement) will not be used in most cases involving small amounts; it is useful for collecting large fines levied against corporations" (Law Society of Upper Canada, 1980: 129).

A different pattern emerged in the Yukon, where proportionately fewer Native admissions involved non-payment of a fine on a territorial violation than did non-Native admissions, and a correspondingly larger proportion were imprisoned for fine default on a Criminal Code offence.

Except for Ontario, the tendency was for a lower percentage of Native than non-Native fine default admissions to be the consequence of an other federal violation. (See Table 3.3.)

The rate of increase in the total number of fine default admissions between 1980 and 1982 was greater for non-Natives than for Natives in the four provinces from which data for both years was obtained (Table 3.4).

Table 3.4

THE PERCENTAGE CHANGE IN NATIVE AND NON-NATIVE FINE DEFAULT ADMISSIONS TO PROVINCIAL CUSTODY BETWEEN 1980 AND 1982

SDICTION	BRITISH COLUMBIA			ALBERTA			SASKATCHEWAN			ONTARIO		
	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Tot
vincial statute issions	Numbers insufficient			+9%	+21%	+16%	+3%	+4%	+3%	+20%	+38%	+35
inal Code issions	+57%	+108%	+96%	+22%	+51%	+42%	+25%	+46%	+30%	+19%	+20%	+19
er federal statute issions	Numbers insufficient	+125%	+132%	+65%	+24%	+31%	Numbers insufficient			+49%	+38%	+41
al fine default admissions	+49%	+99%	+88%	+20%	+40%	+33%	+15%	+32%	+19%	+22%	+31%	+29

The increase was especially notable in British Columbia, where the total number of non-Native fine default admissions doubled in the two years, whereas the percentage change for Natives was +49%. The increase in B.C. was almost entirely due to the large rise in the number of defaults on Criminal Code offences.* Similar racial differences in the growth of Code fine default admissions were evident in Alberta and Saskatchewan; in both provinces, the total non-Native admissions also rose at a quicker rate than did Native admissions.

In Alberta and Ontario, the growth rate for non-Native admissions for provincial statute violations was about twice that of Native admissions. In the same provinces, the percentage increase in other federal statute admissions was greater for Natives than others.

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*See Table 2.4 for the numbers on which the percentage change data are based.

All Admissions

Past research on Native admissions to provincial correctional institutions has found that, in several provinces, fine default imprisonment accounted for substantial proportions of the total number of admissions to custody. Hagan (1974) reported that 66% of all Native admissions in Alberta were for fine default and that this proportion was almost twice that of whites. Similarly, Schmeiser (1974) found that 57% of all admissions of Saskatchewan Natives, and 35% of non-Native admissions were the consequence of defaulting on a fine.

If 1982 data on sentence and fine default admissions are combined as "total admissions" to custody, the extent of Native involvement in fine default admissions is not as great as was reported in the early 1970's. It is true that Alberta Native fine default admissions approach one-half of the total number of Native admissions, but the 1982 48% figure is well below the 66% reported by Hagan, and not nearly as substantially different from the non-Native percentage (39%).* In Saskatchewan, 1982-3 data suggest that the total number of admissions accounted for by non-payment of a fine was much lower than was reported in 1974, although the racial differences are now more exaggerated: 31% of Native and 15% of non-Native admissions resulted from fine default.*

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*However, it is important to note that Alberta information system personnel believe that the 1982 Alberta data available to this research probably under-represents the number of fine default admissions. One remand centre did not enter on the system all fine default admissions processed through the "detention" area of the facility; the extent of this undercounting is not known and the fine default data of this province must be regarded as an estimate. However, it is unlikely that the total percentage of Native fine default admissions would reach 66%, even if those admissions were included in the Saskatchewan dataset.

The apparent decrease in the proportion of fine default admissions may be the consequence of many factors, including differences in information system capabilities between the early 1970's and the early 1980's, different definitions of what constituted fine default admissions,** a decrease in the imposition of fines by the courts, fine option programs, and other policy or legislative changes.

In jurisdictions other than Alberta and Saskatchewan, Native admissions for fine default ranged from 17% (in British Columbia) to 38% (in Ontario) of all admissions to provincial or territorial custody. Similar figures for non-Natives were 15% (also in B.C.) to 40% (in the Yukon). (See Table 3.5.)

In Alberta, Saskatchewan, and Ontario, the reason for imprisonment of Native persons was more likely to be fine default than it was for non-Natives; i.e., Native fine defaulters constituted a larger percentage of the total Native admissions in these provinces than was the case for non-Native fine defaulters. The difference by race was most pronounced in Saskatchewan, where (as noted above) two times the proportion of Native admissions, when compared to non-Native admissions, had non-payment of a fine as the reason for incarceration.

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* In 1980-1, in Saskatchewan, 32% of Native and 13% of non-Native admissions were the result of fine default.

** This report analyzes "pure" fine default admissions. Earlier research may have categorized an admission as fine default if there was one or more fine default in a sentence admission.

Table 3.5

A COMPARISON OF NATIVE AND NON-NATIVE SENTENCE AND FINE DEFAULT ADMISSIONS TO PROVINCIAL CUSTODY, BY MAJOR OFFENCE CATEGORY, 1982 OR 1983

JURISDICTION	YUKON			BRITISH COLUMBIA			ALBERTA			SASKATCHEWAN			MANITOBA			ONTARIO		
YEAR	1983			1982-3			1982			1982-3			1982			1982-3		
RACE	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total
Sentence admissions:																		
Provincial statutes	0.4%	1.0%	0.7%	3.8%	6.0%	5.6%	1.9%	1.6%	1.6%	1.0%	1.1%	1.0%	1.7%	3.0%	2.4%	29.8%	16.5%	18.1%
Criminal Code	62.8	55.1	59.4	74.2	70.4	71.0	45.2	49.7	48.5	67.4	82.1	73.3	73.0	65.2	68.8	26.9	52.7	49.7
Other federal	0	4.3	0.2	3.4	6.6	6.1	1.5	6.8	5.4	0.3	1.5	0.8	2.6	12.3	7.8	5.2	4.5	4.6
Subtotal*	63.2	60.4	62.0	83.4	85.0	84.7	52.1	60.6	58.3	69.1	85.2	75.6	77.3	80.5	79.0	62.0	73.7	72.4
Fine default admissions:																		
Provincial statutes	11.6	17.6	14.2	0.4	0.7	0.6	18.3	11.1	13.0	11.5	4.5	8.6	8.7	5.7	7.1	26.5	15.1	16.4
Criminal Code	23.5	17.6	21.0	14.6	12.2	12.6	26.5	24.7	25.2	18.5	9.4	14.8	12.3	11.9	12.1	7.5	9.8	9.5
Other federal	1.6	4.3	2.8	1.5	0.3	0.5	2.5	3.3	3.1	0.9	0.9	0.9	1.8	1.9	1.8	4.0	1.4	1.7
Subtotal*	36.7	39.5	38.0	16.6	15.0	15.3	47.9	39.4	41.7	30.9	14.8	24.4	22.7	19.5	21.0	38.0	26.3	27.6
Total percent	99.9%	99.9%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Total number of all admissions	242	187	429	2,151	11,237	13,388	3,292	9,075	12,367	4,308	2,906	7,214	1,703	1,975	3,678	8,074	61,381	69,455

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*Includes some admissions where the offence was not known.

In Ontario, the racial difference was much less: 38% of Native and 26% of non-Native admissions were imprisoned as a consequence of fine default. The Alberta differences were similar to those in Ontario; 48% of Native and 39% of non-Native admissions resulted from fine default.

In the Yukon, B.C., and Manitoba, there was no variation by race in the extent to which fine default was the reason for incarceration.

If the major offence category in the fine default admission is examined for the three provinces for which there was a difference by race, it is evident that:

- In Alberta, the racial difference is almost entirely accounted for by the differences for fine default on provincial violations; a slightly larger percentage of Native fine default admissions (by 7 percentage points) involved a provincial offence than did non-Native admissions. There was virtually no difference in the proportions of fine default for a Criminal Code offence.
- In Saskatchewan, Natives accounted for higher proportions of fine default admissions for both provincial statute and Criminal Code offences.
- The pattern in Ontario was similar to Alberta; a larger proportion of Native fine default admissions involved a provincial statute conviction, with similar proportions of Natives and non-Natives admitted for Criminal Code fine default.

In all jurisdictions, the majority (58% to 85%) of total admissions were the consequence of a mandatory sentence from the court. Typically, these admissions were on a sentence of imprisonment on a Criminal Code charge. In fact, sentence admissions for Code offences made up about one-half or more of admissions for both racial groups in four jurisdictions (percentages ranged from 49% to 73%, depending on the jurisdiction). Among all six jurisdictions, the Ontario data show the most variation by Native/non-Native status with regard to Criminal Code admissions. In Ontario, only 27% of the total number of admissions of Native persons was the consequence of a mandatory sentence of imprisonment on a Criminal Code charge -- this percentage is about one-half that found for non-Natives (53%). Native admissions had a greater likelihood of having resulted from a mandatory sentence for a provincial offence (30%) than did non-Native admissions (17%). Thus, Ontario Natives were much more likely that non-Natives to have been incarcerated for the less serious provincial statute violations.

Table 3.6 shows that the rate of increase in the total number of admissions between 1980 and 1982 was greater for non-Natives than Natives in British Columbia and Alberta. The overall increase in admissions in Saskatchewan and Ontario was very similar for the two groups.

However, in all four provinces, the increase in provincial offence admissions was greater for non-Natives. In B.C. and Alberta, the percentage change in the number of non-Native admissions for Criminal Code offences was greater than that of Native admissions. All provinces also showed a larger increase in the number of Native other federal admissions than of non-Native admissions of this kind.

Table 3.6

THE PERCENTAGE CHANGE IN NATIVE AND NON-NATIVE SENTENCE AND FINE DEFAULT ADMISSIONS TO PROVINCIAL CUSTODY BETWEEN 1980 AND 1982

URISDICTION	BRITISH COLUMBIA			ALBERTA			SASKATCHEWAN			ONTARIO		
ACE	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	To
rovincial statute admissions	+424%	+473%	+468%	+5%	+20%	+14%	+6%	+22%	+9%	+16%	+35%	+
riminal Code admissions	+61%	+88%	+83%	+22%	+43%	+37%	+22%	+19%	+21%	+19%	+20%	+2
ther federal statute admissions	+114%	+64%	+67%	+61%	+7%	+11%	+8%	-35%	-22%	+64%	+24%	+3
otal admissions	+68%	+94%	+89%	+20%	+34%	+30%	+20%	+18%	+19%	+20%	+25%	+2

Summary

Chapter 3 has investigated the degree to which the Native and non-Native admission profiles differ in terms of the major offence category of the admitting offence. Mandatory sentence, fine default and total admissions were each discussed separately.

Analysis of statistics on sentence admissions revealed that there were racial differences in the admissions profiles in two of the six jurisdictions, and that the difference was only striking in one province. In Ontario, larger proportions of Native sentence admissions were the consequence of provincial offences, and a correspondingly smaller percentage of Native admissions involved a *Criminal Code* charge, than did non-Native admissions.

When the percentage change between 1980 and 1982 in the number of sentence admissions of each racial group was examined for B.C., Alberta, Saskatchewan, and Ontario, it was apparent that, in B.C. and Alberta, the rate of increase in non-Native admissions was greater than the growth in Native admissions.

Fine default data showed a weak tendency in the prairie provinces, and a stronger pattern in Ontario, for Native fine default admissions to disproportionately involve provincial statute charges. The opposite was the case in the Yukon, where a lower proportion of Natives entered custody for fine default on a territorial offence than did non-Natives.

In British Columbia, fine default on a provincial statute is dealt with by Small Claims Courts, and few admissions of either racial group had a provincial violation as the admitting offence.

In all four provinces for which 1980 and 1982 fine default data were available, Native admissions rose at a slower rate than did non-Native entries. In all provinces but Ontario, this differential rate of increase was largely explained by the growth in the number of non-Native fine default admissions for a Criminal Code offence. In Ontario, there was a larger rise in the number of non-Native provincial offence admissions, than for Native fine default admissions with the same type of admitting offence.

An examination of data on total admissions (sentence and fine default combined) showed that in three provinces, fine default by Native persons constituted somewhat larger proportions of the total number of Native admissions than was the case for non-Native entries. The difference, however, was strong only in Saskatchewan, where two times the proportion of Natives as non-Natives had non-payment of a fine as the reason for incarceration.

In the Yukon, B.C., Saskatchewan, and Manitoba, a majority (and in Alberta, just less than one-half) of all admissions of both groups were comprised of sentence admissions on a Criminal Code admitting offence. In Ontario, although the percent of all admissions accounted for by mandatory sentence of imprisonment did not differ greatly by race (62% of all Native and 74% of all non-Native admissions), the similarity is explained by two contrary tendencies -- that is, Natives were disproportionately admitted for the less serious provincial offences, and non-Natives disproportionately entered custody on a Code charge.

The rate of increase in the total number of all admissions was larger for non-Natives in two of the four provinces for which data was available on the percentage change in admissions between 1980 and 1982. In addition, in all four provinces, the growth rate for non-Native admissions on a provincial offence was higher than that for Native custodial terms.

Chapter 4: COMPARISONS OF NATIVE AND NON-NATIVE ADMISSIONS TO PROVINCIAL/TERRITORIAL CUSTODY: THE ADMITTING OFFENCE TYPE AND SENTENCE LENGTHS OF SENTENCE AND FINE DEFAULT ADMISSIONS

Introduction

This chapter continues the examination of differences in the admissions profiles of Natives and non-Natives by exploring the racial variations in sentence admissions for specific provincial/territorial offences (motor vehicle, liquor, and "other" provincial/territorial/municipal offences), and for non-*Criminal Code* federal offences (drugs and "other" federal statutes, such as the *Indian Act*). Where numbers are sufficient for analysis, comparisons of sentence lengths by Native and non-Native status are made for the specific offences.

The second part of this chapter undertakes a similar analysis of the profiles of Natives and non-Natives for fine default admissions.

The Admitting Offence in Sentence Admissions

In Chapter 3, it was reported that, in most jurisdictions, there were few sentence admissions for provincial/territorial violations. Consequently, for five of the six jurisdictions described in this report, no generalizations about Native/non-Native differences for provincial statute admissions can be made. In the sixth jurisdiction, Ontario, a sizeable proportion of sentence admissions had a provincial statute violation as the admitting offence; 48% of Native and 22% of non-Native admissions were precipitated by a conviction on a provincial statute charge (Table 4.1).

The racial difference in Ontario is entirely explained by variations in liquor charges. Native admissions were 3.5 times as likely as non-Native admissions to be the consequence of a provincial liquor infraction; 42% of Native, as opposed to only 12% of non-Native entries had a liquor offence as the admitting offence (Figure 4.1). Overall, 15% of sentence admissions to Ontario correctional institutions were the result of a liquor offence -- much higher than in the other jurisdictions, where the percentage never exceeded 4%.*

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*However, fine default admissions showed a much higher proportion of entries for liquor charges in all jurisdictions but B.C. From 7% (the Yukon) to 17% (Saskatchewan) to 35% (in Ontario) of fine default admissions had a liquor charge as the admitting offence. See Table 4.2.

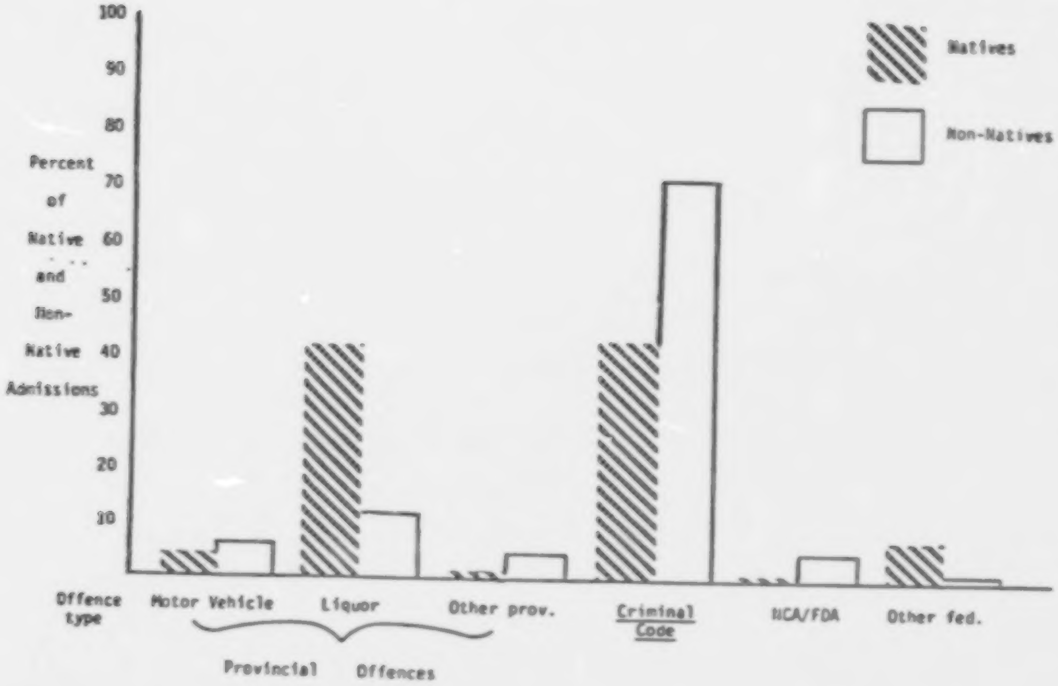
Table 4.1

A COMPARISON OF NATIVE AND NON-NATIVE SENTENCE ADMISSIONS TO PROVINCIAL CUSTODY, BY OFFENCE CATEGORY, 1982 OR 1983

JURISDICTION	YUKON			N.W.T.	BRITISH COLUMBIA			ALBERTA			SASKATCHEWAN			MANITOBA			ONTARIO		
YEAR	1983			1982	1982-3			1982			1982-3			1982			1982-3		
RACE	Native	Non-Native	Total	Total	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total
Provincial statutes:																			
Motor vehicle	0%	0%	0%	N.A.	4.2%	6.2%	5.9%	1.2%	1.5%	1.4%	1.2%	0.5%	0.9%	2.2%	2.6%	2.4%	4.3%	5.7%	5.6%
Liquor	0.7	1.8	1.1	4.0%	0.1	0.2	0.2	2.0	0.3	0.7	0.2	0.7	0.4	0	0.3	0.1	42.0	12.0	15.0
Other	0	0	0	N.A.	0.3	0.7	0.6	0.3	0.8	0.7	*	0.1	0.1	0	0.9	0.5	1.7	4.8	4.5
Subtotal	0.7	1.8	1.1	5.1	4.5	7.0	6.6	3.5	2.6	2.8	1.4	1.3	1.4	2.2	3.7	3.0	48.1	22.4	25.0
Criminal Code:	99.3	91.2	95.9	89.7	89.1	82.8	83.8	86.9	82.1	83.2	97.6	96.3	97.0	94.5	81.0	87.1	43.5	71.5	68.7
Other federal statutes:																			
NCA/FDA	0	6.2	2.6	N.A.	3.4	6.1	5.7	1.6	11.1	8.8	0.4	1.7	1.0	1.9	10.7	6.7	0.9	5.2	4.8
Other federal	0	0.9	0.4		0.7	1.7	1.5	1.2	0.2	0.4	0.1	0.1	0.1	1.4	4.6	3.2	7.5	0.9	1.5
Subtotal	0	7.1	3.0	5.3	4.1	7.8	7.2	2.8	11.3	9.3	0.5	1.8	1.1	3.3	15.3	9.9	8.4	6.1	6.3
Not known	0	0	0	0	2.3	2.3	2.3	6.8	4.1	4.7	0.5	0.6	0.5	0	0	0	0	0	0
Total percent	100.0%	100.1%	100.0%	100.1%	100.0%	99.9%	99.9%	100.0%	100.1%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Total number of sentence admissions	153	113	266	N.A.	1,793	9,552	11,345	1,721	5,500	7,221	2,976	2,477	5,353	1,317	1,589	2,906	5,002	45,251	50,253

Figure 4.1

A COMPARISON OF NATIVE AND NON-NATIVE SENTENCE ADMISSIONS, BY OFFENCE CATEGORY: ONTARIO, 1982-3



Legislative differences between Ontario and other jurisdictions may be one factor that accounts for this differential prevalence of liquor convictions among admissions. The offence of intoxication in a public place exists in all jurisdictions. However, in the Yukon, British Columbia, Alberta, Saskatchewan and Manitoba, provincial/territorial legislation permits police to take the intoxicated person "into custody" for up to 24 hours without the laying of a charge. In contrast, the Ontario Liquor License Act only states that the police may take the intoxicated person to a "detoxification centre" in lieu of charging.* The small number of beds in detoxification centres, and of the facilities themselves, may create a situation whereby police in Ontario view the laying of charges as the most appropriate means of maintaining public order when confronted by an inebriated person in a public place.

This legislative difference does not, however, explain why Ontario Native sentence admissions should contain such a large proportion of provincial liquor offences. It is possible that the unavailability of detoxification facilities in regions with a relatively high concentration of Native peoples may exaplin some of the difference. In addition, as John Hagan has hypothesized, limited access of Natives to privacy may be a major factor in the disproportionate number of Native admissions for liquor violations.

> ... provincial liquor statutes remain as an unequal imposition on Native Peoples. ... the problem does not lie simply in the administration of these statutes, but in the character of the statutes themselves. Native Persons frequently come to towns and cities from surrounding reserves, usually for temporary periods. During these periods, involvement in alcohol-related activities is common, while availability of places for private drinking is limited. As a consequence, Native Persons must drink in public and the police are left with the responsibility of enforcing laws regulating public conduct. ... It makes little

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*The Yukon: s. 85 of the Liquor Act; s.84 specifies that there can be no prosecution of public drunkenness except with the consent of the "Commissioner".
B.C.: s. 81 of the Offence Act; the police can also take the accused before a physician within 24 hours or release the person when sober.
Alberta: s. 77 of the Liquor Control Act.
Saskatchewan: s. 5 of the Summary Offence Procedure Act; if the person has been taken into custody 2 or more times in the past 12 months, the officer may proceed under s. 106 of the Liquor Act (i.e., prosecute for public drunkenness.
Manitoba: the Intoxicated Persons Detention Act.
Ontario: s. 36(2) of the Liquor License Act.

> difference whether these laws are applied equally or not, for the laws themselves fall disproportionately on Native Persons without access to shelter.
>
> Hagan, 1977: 154

Another Native/non-Native difference in sentence admissions was found for drug offences. In comparison to non-Native admissions, Native admissions were much less likely to have been sentenced to custody on charges under the Narcotics Control Act or the Food and Drugs Act. This was true for all six jurisdictions described in this report.

Admissions for federal violations other than those related to drugs were relatively infrequent in all jurisdictions. In Manitoba, non-Natives were disproportionately incarcerated for such "other federal" offences (1% of Native and 5% of non-Native admissions). The reverse was found in Ontario: Natives had a greater likelihood of having been committed to custody for "other federal" statute violations by a considerable margin (8% of Native and 1% of non-Native admissions).*

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*We can speculate that the Ontario data may be explained by the nature of the offences included in the "other federal" category -- drinking on a dry reserve (the Indian Act) and hunting out of season -- offences often perceived to be related to race. However, this does not explain why the opposite finding was apparent in Manitoba.

Sentence Lengths of Sentence Admissions

The small number of admissions to provincial/territorial custody precipitated by offences other than those under the Criminal Code[*] precludes a comprehensive inter-jurisdictional comparison of racial differences in aggregate sentence lengths. This section describes sentence lengths for Natives and non-Natives for those provinces where numbers of specific offences were adequate for analysis.[**]

It should be emphasized that the lengths of incarcerative sentences depend on a great many factors, most of which cannot be addressed by the data available to this report, for example: the circumstances of the offence; the prior record of the offender and especially past failure on non-incarcerative sentences; the number of charges being dealt with concurrently by the court; the court's perception of the accused, etc. Inferences about system bias or discriminatory treatment cannot be made from the sentence length data presented in this and the next chapter.

In addition to discrete sentence length categories (e.g., 1 to 4 days, 5 to 7 days, etc.), the data sources for this chapter were also requested to provide the mean number of days detained, and the mean number of charges (or "counts") involved in the admissions for each admitting offence. Because of limitations in resources, time constraints, and information system capabilities, only one jurisdiction (Ontario) provided this information.

---

[*] See Chapter 5 for sentence length data for Criminal Code sentence admissions.

[**] The "cut-off" criteria used for analyzing sentence lengths for admitting offences was a total of 40 or more Native admissions and an equivalent number of non-Native admissions. This criterion was used for all sentence length data in this report.

Provincial Motor Vehicle Offences:

Two provinces, British Columbia and Ontario, had sufficient numbers of such admissions to analyze sentence lengths for motor vehicle sentence admissions. In neither province was there a substantial difference by race in sentence lengths, although in Ontario Natives were marginally more likely to have received shorter sentences; the mean number of days of sentence was 14 days for Natives, and 17 days for non-Natives.*

What is notable, however, is the shorter sentences for motor vehicle offences in British Columbia as compared to those in Ontario. In B.C., between two-thirds and three-quarters of both Natives and non-Natives were sentenced to 7 days or less imprisonment; in Ontario, the figure was about 40%.

Provincial Liquor Offences:

Because of low numbers elsewhere, only Ontario sentence length data for liquor offences can be analyzed. Although the percentage of Native and non-Native admissions involving a sentence from 1 to 4 days was similar, the non-Native admissions disproportionately involved a 5 to 7 day sentence, and Native admissions disproportionately resulted from sentences of over two weeks (Figure 4.2). The mean sentence lengths for the two groups was not greatly different, however -- an average of 13 days for Native and 10 days for non-Native admissions. The longer Native admissions may at least partly be accounted for by the larger mean number of charges involved in Native versus non-Native admissions (2.3 and 1.7 charges, respectively).

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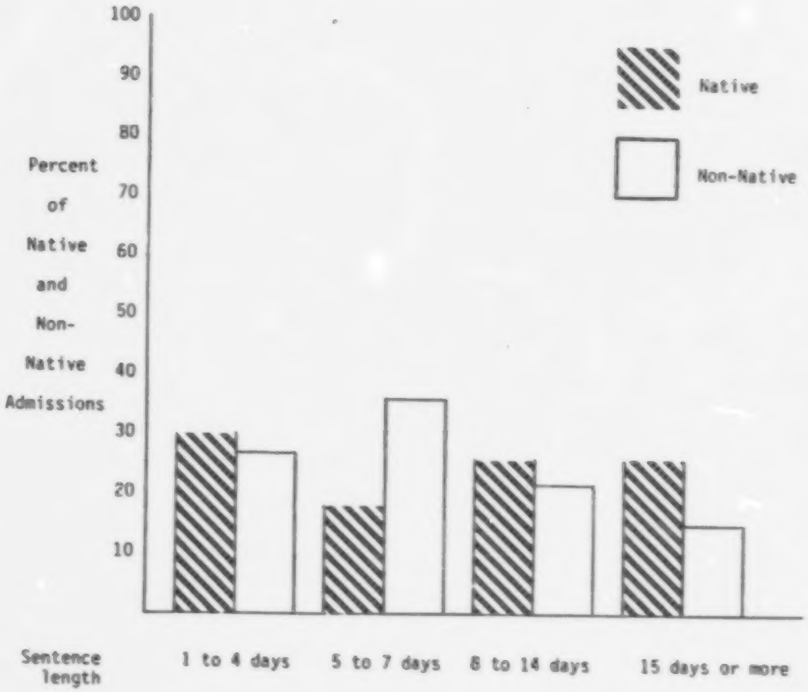
*The mean number of counts involved in non-Native admissions was very slightly larger than for Native admissions -- an average of 2.8 charges for non-Native, and 2.5 charges for Native admissions.

Figure 4.2

SENTENCE LENGTHS OF SENTENCE ADMISSIONS FOR PROVINCIAL LIQUOR OFFENCES: ONTARIO, 1982-3



Other Provincial/Municipal Offences:

Ontario sentence length data for these "other" offences* show that Native admissions had somewhat longer sentences than did non-Native admissions (an average of 18 days versus 13 days).

Federal Drug Offences:

Natives were much less likely to be admitted to provincial custody for violations of the Narcotics Control Act or the Food and Drugs Act than were non-Natives. In B.C. and Ontario, where numbers were adequate for the analysis of sentence lengths, Natives were sentenced to shorter custodial terms than their non-Native counterparts. In Ontario, for example, the mean number of days for Native sentence admissions was 42, in sharp contrast to 119 days for non-Native admissions.

Other Federal Offences:

Sentence length data for this category of offences are difficult to interpret for it is very possible that the types of offences included differ for Natives and non-Natives. For instance, Native admissions may have disproportionately resulted from violations of the Indian Act and federal wildlife legislation. The last section reported that a larger proportion of Ontario Native than non-Native admissions had such "other federal" offences as the admitting offence. Although there was no racial difference in the mean number of charges in the admission (an average of 3 for each group), Native admissions had slightly shorter sentences than did non-Native custodial terms (34 and 41 days, respectively).

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*Offences that fell into the "other provincial/municipal" category in Ontario were: municipal bylaws (parking and "other"), petty trespass, and other, unspecified provincial statutes.

The Admitting Offence in Fine Default Admissions

Table 4.2 provides details on the offences involved in fine default admissions in the six jurisdictions for which 1982 or 1983 data were available. As was described in Chapter 3, a larger proportion of provincial/territorial violations are found among fine default admissions than was the case for mandatory sentence admissions. As a consequence, more comparisons by race are possible for fine default custodial terms than was feasible for sentence admissions.

In all jurisdictions except British Columbia, the admitting offence profile differed by race.

In three jurisdictions (the Yukon, Alberta and Ontario), Native admissions were less likely to have resulted from a motor vehicle offence than were non-Native admissions. The difference was particularly notable in the Yukon -- 17% of Native fine default admissions, but more than one-third (37%) of non-Native admissions were the result of defaulting on a fine for a territorial motor vehicle offence. Differential access to automobiles may be one factor contributing to this racial difference.

Other than in B.C., much larger percentages of Native fine default admissions were the consequence of a liquor offence, but the actual proportions differed across jurisdictions:

- 12% of Native admissions, but only 1% of non-Native fine default

Table 4.2

A COMPARISON OF NATIVE AND NON-NATIVE FINE DEFAULT ADMISSIONS TO PROVINCIAL CUSTODY, BY OFFENCE CATEGORY, 1982 OR 1983

URISDICTION	YUKON			BRITISH COLUMBIA			ALBERTA			SASKATCHEWAN			MANITOBA			ONTARIO		
EAR	1983			1982-3			1982			1982-3			1982			1982-3		
ACE	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total
rovincial statutes:																		
Motor vehicle	16.9%	36.5%	25.8%	1.4%	2.1%	2.0%	10.7%	18.8%	16.3%	15.4%	17.0%	15.7%	18.1%	16.8%	17.5%	6.9%	14.9%	13.6%
Liquor	12.4	1.4	7.4	0	0.1	0.1	21.5	4.7	9.8	20.4	7.2	17.2	18.4	8.3	13.3	60.2	30.0	34.9
Other	2.2	6.8	4.3	0.8	2.4	2.2	6.2	4.6	5.1	1.3	6.1	2.4	1.6	4.1	2.8	2.6	12.4	10.9
Subtotal	31.5	44.6	37.4	2.2	4.6	4.2	38.4	28.0	31.2	37.1	30.3	35.4	38.1	29.3	33.7	69.7	57.3	59.3
riminal Code	64.0	44.6	55.2	88.0	81.1	82.3	55.3	62.8	60.5	59.9	63.6	60.8	54.1	60.9	57.5	19.8	37.2	34.5
ther federal statutes:																		
NCA/FDA	4.5	10.8	7.4	8.1	11.7	11.1	2.0	8.0	6.2	1.1	4.0	1.8	2.1	7.3	4.7	0.6	4.3	3.7
Other	0	0	0	0.8	0.5	0.5	3.1	0.4	1.3	2.0	2.1	2.0	5.7	2.6	4.1	9.8	1.1	2.5
Subtotal	4.5	10.8	7.4	8.9	12.2	11.6	5.2	8.4	7.4	3.0	6.1	3.7	7.8	9.8	8.8	10.4	5.4	6.2
t known	0	0	0	0.8	2.1	1.9	1.2	0.8	0.9	0	0	0	0	0	0	0	0	0
otal percent	100.0%	100.1%	100.1%	99.9%	100.0%	100.0%	100.1%	100.0%	100.0%	100.0%	100.0%	99.9%	100.0%	100.0%	100.0%	99.9%	99.9%	100.0%
otal number f fine default missions	89	74	163	358	1,685	2,043	1,571	3,575	5,146	1,332	429	1,761	386	386	772	,3,072	16,130	19,202

admissions in the Yukon had a territorial liquor charge as the admitting offence;

- in Alberta, 21% of all fine default admissions of Natives, but only 5% of non-Native admissions had a liquor charge as the admitting offence;
- the proportions in Saskatchewan were similar to those for Alberta -- 20% of Native and 7% of non-Native admissions resulted from non-payment of a fine on provincial liquor legislation;
- comparable data for Manitoba were also very similar to the other prairie provinces (18% and 8% for Natives and non-Natives, respectively);
- most marked were the Ontario data; 60% of fine default admissions of Natives, but only 30% of non-Native fine default admissions, resulted from a failure to pay a fine on a provincial liquor offence.

Indeed, in Ontario, 35% of all fine default admissions (i.e., for Natives and non-Natives combined) were the consequence of a provincial liquor charge. As noted earlier in this chapter, this high proportion may be the result of limited pre-court screening by the police; provincial legislation appears to make it more difficult in Ontario than in other provinces for alternatives to the laying of a charge for public intoxication to be utilized.

With the exception of Alberta, non-Natives were disproportionately admitted for non-payment of a fine on an "other provincial/municipal" offence. In part, this difference may be related to racial differences in the offences included in this category of admitting offence. It is possible that non-Native admissions disproportionately involve non-payment of parking tickets.

As was found for sentence admissions, relatively small proportions of fine default admissions of Natives involved federal statutes other than the the Criminal Code. There was also a pattern, evident in all jurisdictions, for Natives to have a lower probability of having entered custody for defaulting on a fine for a drug offence.

In Alberta, Manitoba and Ontario, Natives were more likely than non-Natives to be admitted for fine default on an "other federal" violation, such as the Indian Act. The difference was most apparent in Ontario, where 10% of Native fine default admissions, and 1% of non-Native admissions, were for these "other federal" charges.

As Figure 4.3 illustrates, the proportions of Native and non-Native admissions for fine default on a Criminal Code offence were approximately the same in B.C., Alberta, Saskatchewan and Manitoba. In the Yukon, a larger percentage of Natives entered custody for Criminal Code fine default than did non-Natives, but the opposite was true in Ontario.

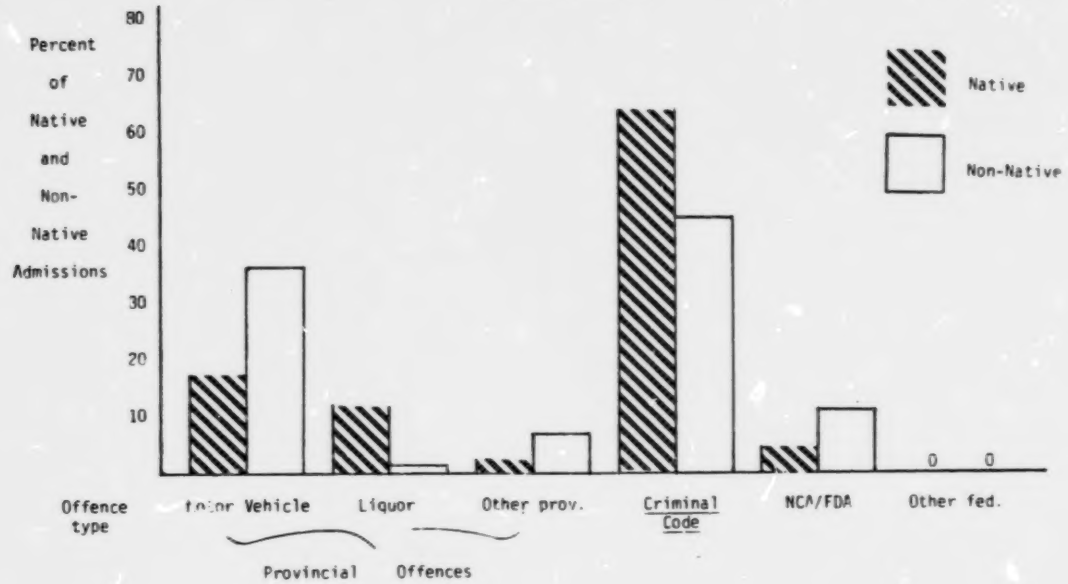
Therefore, except for British Columbia where fine default on a provincial offence is handled in civil courts, differences in the offence profiles of Natives and non-Natives were evident in all jurisdictions.

Figure 4.3

A COMPARISON OF NATIVE AND NON-NATIVE FINE DEFAULT ADMISSIONS,

BY OFFENCE CATEGORY, ALL JURISDICTIONS

YUKON, 1983



BRITISH COLUMBIA, 1982-3

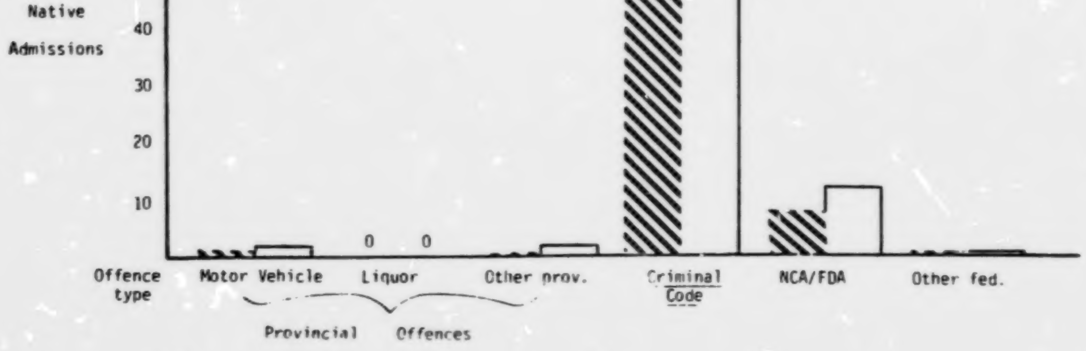
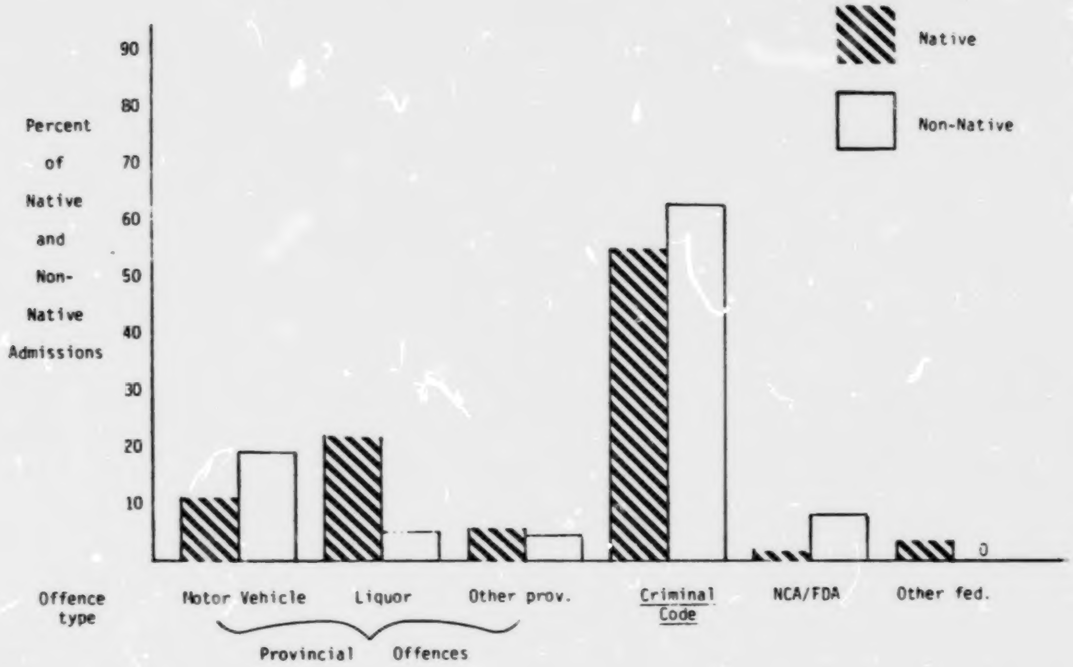


Figure 4.3 (cont'd. p.2)

ALBERTA, 1982



SASKATCHEWAN, 1982-3

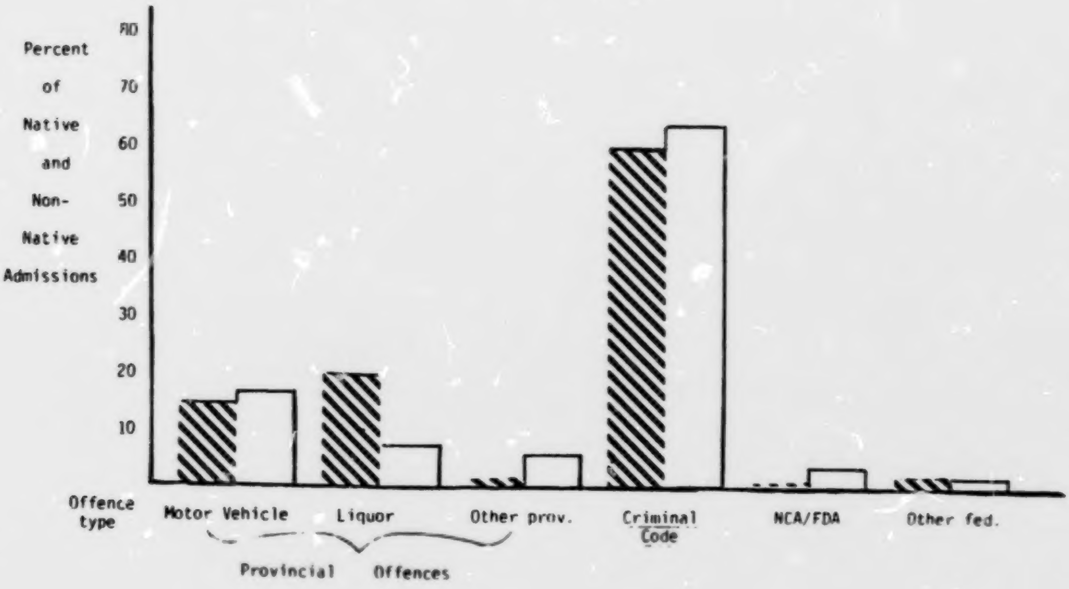
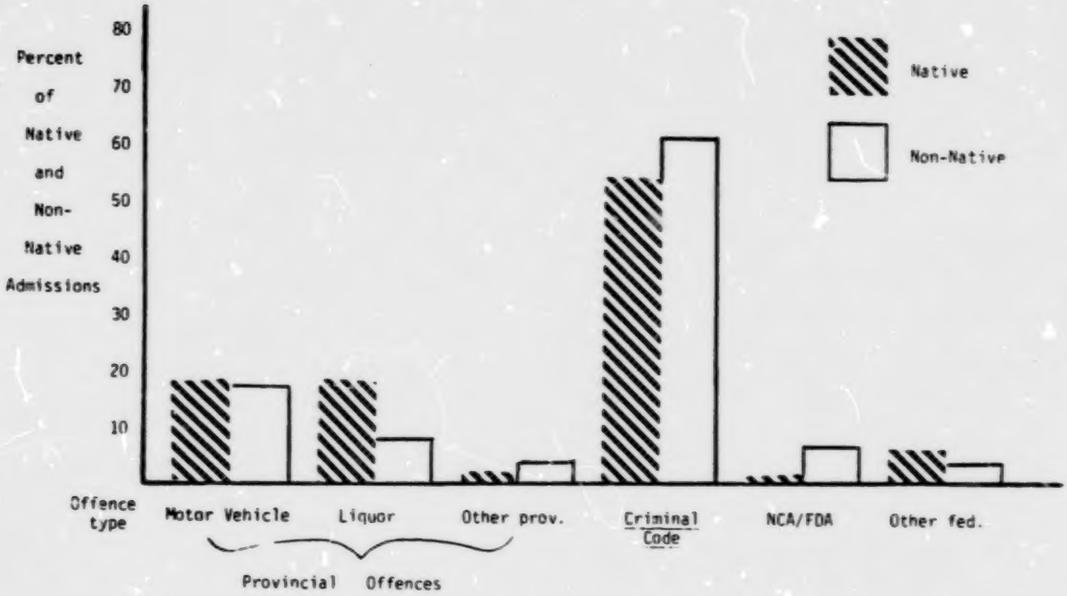
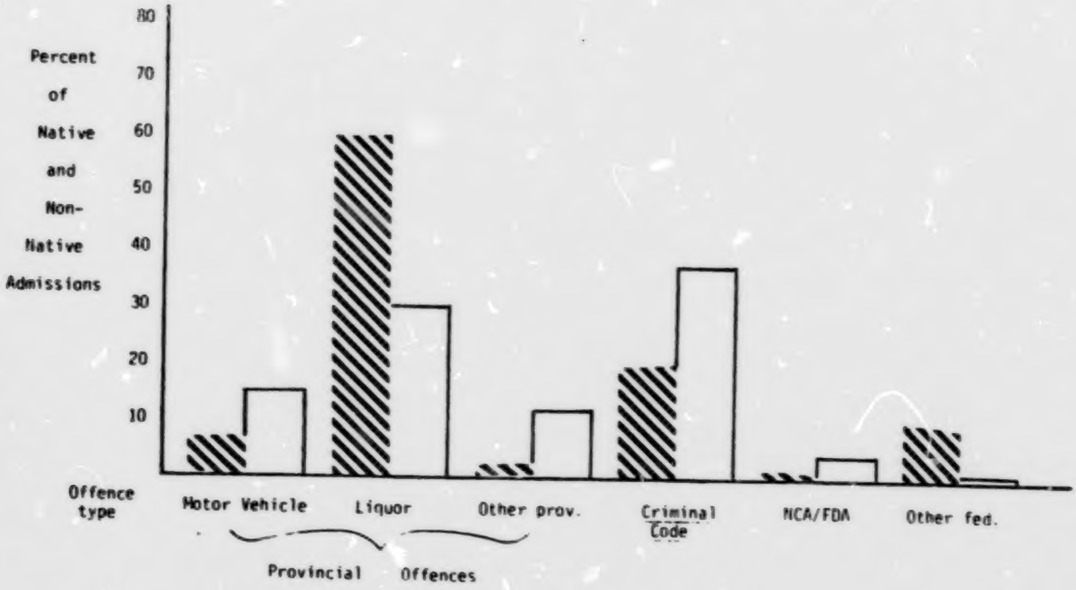


Figure 4.3 (cont'd. p.3)

MANITOBA, 1982



ONTARIO, 1982-3



Sentence Lengths of Fine Default Admissions

For most criminal charges, there is no minimum period of incarceration for fine default; rather the determination of the number of days of imprisonment to be served in lieu of fine payment is the responsibility of the court. The Criminal Code specifies a maximum period of imprisonment of six months for defaulting on a fine for a summary conviction offence, of 2 years for an indictable offence with a maximum sentence of five years or less, and up to 5 years for an indictable offence of more than five years.

Provincial legislation varies with regard to penalties for fine default on a provincial violation. For example, in Ontario, the Provincial Offences Act (s. 70[5]) states that imprisonment on a warrant of committal issued on default of a fine shall be for 3 days, plus one day for each $25 or part thereof that is in default, up to a maximum of 90 days, or one-half of the maximum term of imprisonment for the offence, whichever is the greater. This legislation therefore eliminated judicial discretion in setting the appropriate period in custody on default. In other provinces, it appears that the court still has the power to establish the custodial term in lieu of payment. For instance:

- In Saskatchewan, s. 106(2) of the Liquor Act provides for imprisonment of 2 to 30 days on default of a fine ordered for intoxication in a public place.
- In Manitoba, the general penalty under the Liquor Control Act specifies that, upon default, the offender must serve up to 2 months

for a first offence, from 2 to 4 months for a second offence, and from 3 to 6 months for subsequent convictions (s. 194[1]).

Also with regard to Ontario, the promulgation of the Provincial Offences Act (1980) raised some concern in terms of its potential impact on sentence lengths: s. 65 of the Act provides that terms of imprisonment are to be served consecutively unless specified otherwise by the court. As the Law Society manual commented:

> This reverses the present law, which permits scofflaws (sic) to erase hundreds of dollars of parking fines by serving one sentence of two days. The purpose of the reversal is to encourage the payment of fines instead of allowing these persons to avoid payment by serving short jail terms. The result of the present situation is to deprive the community of the fine revenue while causing the community to incur the substantial costs of incarcerating the offender.
>
> Law Society of Upper Canada, 1980: 118

However, Jolly (1981: 12) noted that this new legislation had the potential to especially affect Native fine defaulters -- presumably because Natives were more likely to be subject to multiple charges on which they default. Because no pre-1980 data were obtained for this report, pre- and post-legislation comparisons cannot determine the accuracy of this hypothesis.

There is slightly more information available on sentence lengths of fine default admissions than for sentence admissions. First, the correctional systems of Saskatchewan and Ontario were able to provide this research with both the mean number of days of sentence (as well as the sentence length categories) and the mean number of charges involved in the fine default admission. Secondly, in several jurisdictions, fine default admissions involved larger numbers of non-Criminal Code offences than did sentence admissions, thereby providing numbers of sufficient magnitude to compare sentence lengths of Native and non-Native admissions.*

Provincial Motor Vehicle Offences:

An examination of Alberta, Saskatchewan and Ontario data reveal that there was no strong variation by race in the length of fine default sentences for provincial motor vehicle offences:

- There was a slight tendency for Alberta Native default admissions to have been sentenced to slightly longer periods than non-Native terms; 26% of Native, but only 14% of non-Native admissions were to serve sentences of over 30 days for defaulting on a fine for a provincial motor vehicle offence.
- In Saskatchewan, the mean number of days sentenced for both Native and non-Native fine default admissions was 12; in addition, both groups had an average of 2 charges per admission.
- There was also little difference in Ontario in sentence lengths, with a mean number of days sentenced of 13 for Native fine default admissions, and 15 days for non-Native. As well, the average number of charges was very similar, at approximately 3 per admission for both groups.

---

*The criteria for reporting sentence length data were that the number of both Native and non-Native fine default admissions be greater than 40.

Provincial Liquor Offences:

Two provinces had sufficiently large numbers of fine default admissions on liquor offences for the analysis of sentence lengths. There was no racial difference in Alberta. There was a slight variation in Ontario: the average days sentenced was 10 days for Natives and 8 days for non-Natives. Also in Ontario, the mean number of charges involved in the admission was higher for Natives than for non-Natives (2.2 charges for Natives, and 1.7 charges per admission for non-Natives).

Other Provincial/Municipal Offences:

Again, data are available only from Alberta and Ontario; in these provinces, Natives tended to receive somewhat longer sentences for fine default on these "other provincial/municipal" offences than did non-Native admissions. In Alberta, 16% of Native admissions, and 32% of non-Native admissions, were sentenced to 1 to 7 days. In Ontario, a smaller percentage of Natives had received a sentence of 1 to 4 days, and a larger proportion received 5 to 14 days, than did non-Natives. Nevertheless, in Ontario there was almost no difference in the mean number days sentenced: an average of 13 days for Native fine default admissions, and 12 days for non-Native admissions. If it is true that non-Native admissions disproportionately result from non-payment of parking tickets, this may help explain the shorter sentences for non-Native admissions of this kind.

Criminal Code Offences:

Criminal Code fine default admissions showed almost no variation in sentence lengths between Natives and non-Natives in British Columbia, Alberta, and Ontario. (For example, in Ontario, the mean days sentenced was 26 days for Natives and 25 days for non-Natives.) In Saskatchewan, Natives tended to be sentenced to somewhat shorter terms in custody than non-Natives (an average sentence of 31 days versus 38 days).

Federal Drug Offences:

No jurisdiction had sufficiently large numbers of Native fine default admissions on drug offences for the analysis of this admitting offence.

Other Federal Offences:

In Ontario, the sentence length categories and mean number of days sentenced were very similar for Native and non-Native "other federal" fine default admissions. The average number of days of sentence was 29 for both groups. Non-Natives, however, had somewhat more charges involved in the fine default admission than did Natives (4 and 3 charges, respectively).

Was the Fine Paid after Admission to Custody?

A separate issue of interest to a study of fine default sentence lengths is whether or not the offender pays some or all of the fine after admission to custody. Statutes provide for a reduction in the total number of days to be served in proportion to the amount of the fine paid after commencement of the custodial term.

Alberta, Saskatchewan and Ontario provided this research with data on the proportion of fine default admissions in which all or part of the fine was paid after sentence commencement (Table 4.3). In Alberta and Ontario, a lower proportion of Natives paid their fines when compared to non-Natives. This was the case for almost every type of admitting offence. For example, 12% of Alberta Native fine defaulters for a liquor offence paid their fine, in comparison to 49% of non-Native defaulters; the same data for Ontario were 21% and 34% for Natives and non-Natives, respectively.

On the other hand, in Saskatchewan, there was no difference by race in the percentage of fine defaulters who paid some or all of the fine after the admission had begun.*

However, when sentence lengths by race were examined in relation to whether the fine was paid or not, it was found that (in terms of sentence lengths)

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*It is possible, however, that information system differences between Saskatchewan and the other two provinces may account for this somewhat anomalous finding.

Table 4.3

COMPARISON OF NATIVE AND NON-NATIVE FINE DEFAULT ADMISSIONS THAT PAID THE FINE IN EACH OFFENCE CATEGORY*

JURISDICTION	ALBERTA				SASKATCHEWAN				ONTARIO			
YEAR	1982				1982-3				1982-3			
RACE	Native		Non-Native		Native		Non-Native		Native		Non-Native	
	% Paid (n)	Total	% Paid (n)	Total	Paid (n)	Total	% Paid (n)	Total	% Paid (n)	Total	% Paid (n)	Total
Provincial statutes:												
Motor vehicle	28.0% (47)	168	58.1% (390)	671	26.8% (55)	205	24.7% (18)	73	39.3% (83)	211	51.0% (1223)	2399
Liquor	11.8 (40)	338	48.5 (81)	167	22.1 (60)	272	(11)	31	20.6 (382)	1850	34.0 (1648)	4846
Other	15.5 (15)	97	45.1 (74)	164	(9)	17	(9)	26	40.7 (33)	81	42.8 (857)	2004
Subtotal	16.9 (102)	603	54.4 (545)	1002	25.1 (124)	494	29.2 (38)	130	23.2 (498)	2142	40.3 (3728)	9249
Criminal Code	28.1 (245)	872	50.3 (1129)	2244	30.3 (242)	798	30.0 (82)	273	36.6 (223)	609	52.9 (3178)	6007
Other federal statutes:												
NCA/FDA	(14)	32	61.4 (175)	285	(5)	14	(5)	17	(8)	19	55.2 (385)	697
Other federal	16.3 (8)	49	(10)	16	(5)	26	(3)	9	44.4 (134)	302	54.8 (97)	177
Subtotal	27.2 (22)	81	61.5 (185)	301	25.0 (10)	40	(8)	26	44.2 (142)	321	55.1 (482)	874

*As noted in the text, if the offender pays some or all of the fine after admission to custody, the days to be served are reduced proportionately.
Note that percentages were not calculated when the total is less than 40.

admissions where the full sentence was served without paying any or all of the fine were very similar to, or somewhat longer than, those admissions where the fine was paid.* Furthermore, the introduction of this factor (fine paid/not paid) did not affect the conclusions in the last section on the relationships between admitting offences for Natives and non-Natives and sentence lengths.

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*Perhaps, if the sentence was short, there was a greater likelihood that it would be served in full.

The Admitting Offence in All Admissions

If sentence and fine default admissions are combined to form "total admissions" to provincial/territorial custody, variations in the offence profiles by Native and non-Native status can be described for all custodial terms resulting from a court sanction.*

In several jurisdictions, non-Native admissions had a greater likelihood of having a motor vehicle offence as the admitting offence. This difference was not a large one except in the Yukon, where 14% of non-Natives and only 6% of Natives entered custody for a territorial motor vehicle offence (Table 4.4).

Other than in British Columbia, where almost no admissions were the result of a liquor conviction, there was a uniform tendency for Native admissions to disproportionately be the result of a provincial liquor charge. For example, in Alberta, 11% of Native, and 2% of non-Native admissions had a liquor violation as the admitting offence. The equivalent figures for Ontario were 49% (Natives) and 17% (non-Natives).

"Other provincial/municipal" offences showed no racial differences in most jurisdictions. In Ontario, however, a larger proportion of non-Natives were admitted for these unspecified provincial/municipal offences when admission

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*No analysis of sentence lengths of "total admissions" will be undertaken; combining data on mandatory sentence and fine default admission lengths would be uniformative, if not potentially misleading.

Table 4.4

A COMPARISON OF NATIVE AND NON-NATIVE ADMISSIONS TO PROVINCIAL CUSTODY BY THE OFFENCE CATEGORY: 1982 or 1983

JURISDICTION	YUKON			BRITISH COLUMBIA			ALBERTA			SASKATCHEWAN			MANITOBA			ONTARIO		
YEAR	1983			1982-3			1982			1982-3			1982			1982-3		
RACE	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total
rovincial statutes:																		
Motor vehicle	6.2%	14.4%	9.8%	3.7%	5.6%	5.3%	5.7%	8.3%	7.6%	5.6%	2.9%	4.5%	5.8%	5.4%	5.6%	5.3%	8.1%	7.8%
Liquor	5.0	1.6	3.5	*	0.2	0.2	11.3	2.0	4.5	6.5	1.7	4.5	4.2	1.8	2.9	49.0	16.7	20.5
Other	0.8	2.7	1.6	0.4	0.9	0.8	3.1	2.3	2.5	0.4	1.0	0.7	0.4	1.5	1.0	2.1	6.8	6.3
Subtotal	12.0	18.7	14.9	4.1	6.7	6.3	20.2	12.6	14.6	12.5	5.6	9.7	10.3	8.7	9.5	56.3	31.6	34.5
riminal Code	86.4	72.7	80.4	88.9	82.6	83.6	71.8	74.5	7[illegible].8	86.0	91.5	88.2	85.3	77.1	80.9	34.5	62.5	59.2
ther federal statutes:																		
NCA/FDA	1.7	8.0	4.4	4.2	6.9	6.5	1.8	9.9	7.7	0.6	2.0	1.2	1.9	10.0	6.3	0.8	5.0	4.5
Other	0	0.5	0.2	0.7	1.5	1.4	2.1	0.3	0.8	0.7	0.4	0.6	2.4	4.2	3.4	8.4	0.9	1.8
Subtotal	1.7	8.6	4.7	4.9	8.5	7.9	3.9	10.1	8.5	1.3	2.4	1.7	4.3	14.2	9.7	9.2	5.9	6.3
ot known	0	0	0	2.1	2.3	2.3	4.1	2.8	3.1	0.3	0.5	0.4	0	0	0	0	0	0
tal percent	100.1%	100.0%	100.0%	100.0%	100.1%	100.1%	100.0%	100.0%	100.0%	100.1%	100.0%	100.0%	99.9%	100.0%	100.1%	100.0%	100.0%	100.0%
tal number of missions	242	187	429	2,151	11,237	13,388	3,292	9,075	12,367	4,308	2,906	7,214	1,703	1,975	3,678	8,074	61,381	69,455

data for the two groups were compared.

Provincial/territorial offences constituted between 6% (B.C.) and 35% (Ontario) of total admissions. Racial differences were evident in every jurisdiction but Manitoba. In Alberta, Saskatchewan and Ontario, Natives had a greater likelihood of being admitted for these offences; the opposite was found in B.C. and, especially, the Yukon. This latter finding is explained by the larger proportions of non-Natives having entered for motor vehicle infractions.

In five of the six jurisdictions discussed in this chapter, Criminal Code offences made up the majority of total admissions, and the proportion of admissions with a Code admitting offence showed little variation by race. The one jurisdiction where there was a considerable racial difference in such admissions was Ontario. In that province, proportionally many fewer Native admissions had a Criminal Code charge as the admitting offence (35% of Native admissions; 63% of non-Native admissions).

A consistent trend in the offence profiles of the two cohorts was found for violations of federal drug laws. In every jurisdiction, non-Native admissions had been disproportionately imprisoned on an NCA/FDA offence.

"Other federal" statutes were rarely the admitting offence. In Ontario, and to a much lesser extent, Alberta, a larger percentage of Native admissions had entered for such offences than had non-Natives.

Summary

Chapter 4 has continued the investigation of Native and non-Native sentence, fine default and total admissions profiles by examining variations in the specific admitting offences and the corresponding aggregate sentence lengths for the two racial groups. The discussion of sentence admissions focussed on provincial motor vehicle, liquor, and "other provincial/municipal" offences, federal drug, and "other federal" statute violations. The specific Criminal Code admitting offences in sentence admissions are addressed in Chapter 5. For the fine default and total admissions data, racial variations in the frequency of Criminal Code charges were considered, but not by specific offence type.

The major findings with regard to sentence and fine default admissions can be summarized briefly.

Ontario Natives were 3.5 times as likely as non-Natives to be admitted to custody on a mandatory sentence for a provincial liquor conviction. Possibly as a result of legislative differences, sentence admissions in Ontario disproportionately involved a liquor conviction when compared to other regions of Canada.

In all jurisdictions, Natives were much less frequently sentenced to custody on charges under federal drug legislation than were non-Natives.

In all jurisdictions except British Columbia, racial variations were evident in the admitting offence for fine default admissions, with the following trends apparent across most or all regions: Natives were less likely to enter custody for fine default on a motor vehicle offence and an "other/provincial/municipal" statute violation, but far more likely to be incarcerated for fine default on a liquor conviction than were non-Natives.

As was found for sentence admissions, non-Native fine default admissions also disproportionately involved federal drug violation as the admitting offence. In comparison to non-Native admissions, in three jurisdictions, larger proportions of Natives were sentenced on an "other federal" charge.

Native and non-Native differences in sentence lengths were analyzed for the two types of admissions, controlling by the admitting offence. A great many factors potentially impact on sentence lengths, a situation which mitigates against drawing inferences related to system bias or discriminatory treatment of Natives from the data provided in this report. In fact, however, sentence lengths on the whole showed few substantial differences by race when the admitting offence was introduced as a control.

In terms of total admissions, it was apparent that Criminal Code admissions accounted for the majority of entries to custody for both races in all jurisdictions, with the exception of Natives in Ontario. Almost one-half of the latter were imprisoned for a conviction on a provincial liquor charge.

Elsewhere, larger proportions of Natives than non-Natives also were incarcerated for liquor infractions, but nowhere other than in Ontario did the percentage of Native admissions rise above 11%. The marked racial difference in the proportion of admissions on liquor offences accounted for the finding that, in Ontario, Natives were almost twice as likely to enter custody for provincial offences as were non-Natives. A similar, but much less notable tendency was encountered in Alberta and Saskatchewan. Finally, when compared to non-Natives, Native entries had a much lower likelihood of having had a federal drug offence as the most serious charge in the admission.

Chapter 5: COMPARISONS OF NATIVE AND NON-NATIVE SENTENCE ADMISSIONS TO FEDERAL AND PROVINCIAL/TERRITORIAL CUSTODY ON CRIMINAL CODE OFFENCES: THE ADMITTING OFFENCE TYPE AND SENTENCE LENGTHS*

Introduction

Native and non-Native offence profiles for Criminal Code sentence admissions to federal and provincial/territorial correctional institutions are described in this chapter. The first section examines both the offence profiles for sentence admissions to federal penitentiaries, and (where possible) sentence lengths for specific Code offences. The second section deals with sentence admissions to provincial/territorial custody, again initially in terms of variations by race in the admitting offence and then in sentence lengths.

Both sections describe data for the most recent year available. Most recent year is defined somewhat differently for the various jurisdictions, but all statistics range between 1980 (for Manitoba and the Atlantic region) and 1983 (for the Yukon).

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* Most of this chapter utilizes information reported in the first phase of the research; a detailed discussion of Criminal Code sentence admissions can be found in Billingsley (1984).

The Admitting Offence in Criminal Code Sentence Admissions to Federal Penitentiaries

A slightly larger percentage of Native sentence admissions to federal custody in 1982 had an offence against the person as the admitting offence, when contrasted to non-Native admissions: 64% of Native, and 54% of non-Native admissions had assault (including rape), manslaughter, robbery, or an "other serious violent" offence as the most serious admitting offence (Table 5.1).

When specific offences within the "offences against the person" classification are differentiated, stronger racial differences were observed. Robbery constituted sizeable proportions of the sentence admissions of both groups, but Native admissions less often involved this offence than did non-Native admissions (23% versus 31%). In fact, if robbery is excluded from offences against the person, the racial difference is enhanced -- 40% of Native admissions, and only 23% of non-Native admissions were for assault, manslaughter, or an "other serious violent" offence (Figure 5.1).

This difference is accounted for by the greater likelihood of Natives to be imprisoned for assault (23% of Native as opposed to 12% of non-Native entries) and manslaughter (12% versus 4%). On the other hand, the percentage of admissions made up by "other serious violent" (e.g., murder, attempt murder, kidnapping) offences was roughly the same for the two groups (4% of Native and 7% of non-Native sentence admissions.

Table 5.1

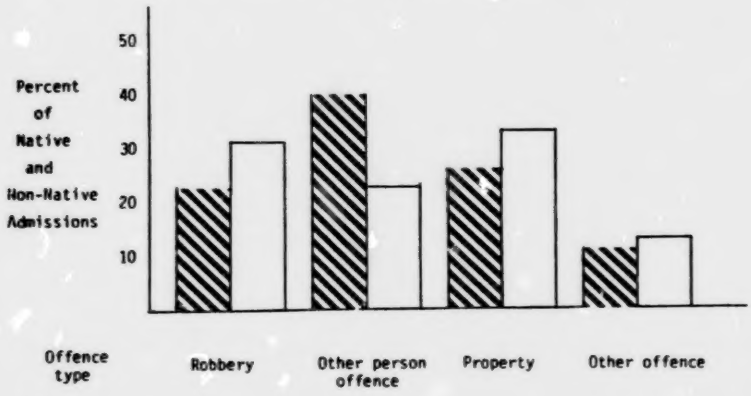
NATIVE AND NON-NATIVE CRIMINAL CODE SENTENCE ADMISSIONS TO FEDERAL PENITENTIARIES

JURISDICTION	Correctional Service of Canada		
YEAR	1982		
RACE	Native	Non-Native	Total
Total number of Criminal Code admissions	323	3,169	3,492
Assault (e.g., assault, rape)	23.2%	12.0%	13.1%
Manslaughter	11.8	3.9	4.6
Other serious violent offences (murder, kidnapping, etc.)	5.3	7.2	7.0
Subtotal person offences, excluding robbery	40.3	23.1	24.7
Robbery	23.2	30.9	30.2
Subtotal person offences, including robbery	63.5	54.0	54.9
Property offences, excluding fraud	25.4	29.3	28.9
Property offences, including fraud	26.0	33.0	32.3
Other types of offences	10.5	13.0	12.8
Total percent	100.0%	100.0%	100.0%

Figure 5.1

A COMPARISON OF NATIVE AND NON-NATIVE SENTENCE ADMISSIONS TO FEDERAL PENITENTIARIES:

CORRECTIONAL SERVICE OF CANADA, 1982



If break and enter, theft and possession of stolen property, frauds, and mischief/arson are combined as "offences against property", a slightly lower percentage of Natives than non-Natives were admitted for such offences. The bulk of property charge admissions had break and enter as the admitting offence (21% of Native, 22% of non-Native admissions). Compared to Native admissions, non-Native sentence admissions tended to involve larger proportions of theft and possession charges (3% and 6%, respectively) and fraud offences (1% and 4%).*

For both racial groups, the offences of robbery, assault, break and enter, manslaughter and "other serious violent" comprised three-quarters or more of federal sentence admissions for Code offences.

These data therefore confirm other research on admissions and federal penitentiary populations (e.g., Canfield and Drinnan, 1981; Doherty, 1981) that Natives enter Correctional Service of Canada institutions for somewhat different types of offences than do non-Natives. The most notable difference is the disproportionate number of Native admissions for assault and manslaughter.

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*See Table   in the Appendix to this report.

Sentence Lengths of Criminal Code Sentence Admissions to Federal Penitentiaries

Only three admitting offences had sufficient numbers of admissions (i.e., a total of 40 or more in each racial group) to examine variations in sentence lengths. Of the offences against the person, neither robbery nor assault showed substantial variations, although in both cases the percentage of Natives serving sentences of over five years was somewhat smaller than that of non-Natives.* Break and enter sentence admissions for 1982 also showed a slight difference by race in the sentence lengths, with Native admissions somewhat shorter in length than non-Native terms; however, 1980 C.S.C. data on sentence lengths showed no difference for this admitting offence.

Thus, the tendency was for Native admissions to the federal correctional system to be sentenced to very similar, or marginally shorter, sentences than their non-Native counterparts with the same admitting offence.

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*For example, 14% of Native assault admissions had sentences of five years or more, in contrast to 24% of non-Native admissions. Similar small differences by race were evident for robbery admissions in 1982.

The Admitting Offence in Criminal Code Sentence Admissions to Provincial/Territorial Custody

Federal correctional institutions, of course, admit only a small proportion of the total number of custodial terms resulting from a court sentence of imprisonment. The vast majority of sentence admissions for Criminal Code offences are served in provincial/territorial correctional facilities.

Table 5.2 and Figure 5.2 present the admitting offence for Criminal Code sentence admissions for seven jurisdictions: the Yukon, British Columbia, Alberta, Saskatchewan, Ontario and the Atlantic region. Although the years to which these data refer range from 1980 to 1983, depending on the jurisdiction and data source, these statistics are the most recent available on the specific admitting offences involved in such admissions.*

A comparison of the offence profiles of Natives and non-Natives reveals that the two groups differ in terms of admitting offence in most, if not all regions. In the majority, smaller proportions of Native sentence admissions were the result of a conviction on a Criminal Code driving offence (i.e., "drinking/driving" charges). The proportional difference by race was especially strong in the Yukon, Saskatchewan and Ontario.

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*For those provinces where two or more years of data were available on Criminal Code sentence admissions, the earlier years have findings similar to those discussed here. The offence profiles of Natives and non-Natives did not therefore differ substantially by year. In instances where there were differences, they can be explained by factors such as legislative change. For example, in several provinces, there was a drop in the percentages of admissions for Code driving offences between 1980 and later years, as a consequence of the Supreme Court decision that the Code offence of driving while under suspension was ultra vires.

Table 5.2

NATIVE AND NON-NATIVE CRIMINAL CODE SENTENCE ADMISSIONS TO PROVINCIAL CUSTODY

JURISDICTION	YUKON			BRITISH COLUMBIA			ALBERTA			SASKATCHEWAN			MANITOBA			ONTARIO			ATLANTIC		
YEAR	1983			1981-2			1982			1982-3			1980			1981-2			1980		
RACE	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total	Native	Non-Native	Total
Total number of Criminal Code Admissions	152	103	255	974	4,259	5,233	1,391	4,440	5,831	3,383	2,647	6,030	1,501	1,523	3,024	1,457	23,922	25,379	244	5,346	5,590
Robbery	2.6%	1.0%	2.0%	4.4%	2.7%	3.0%	1.2%	1.5%	1.4%	1.7%	1.6%	1.7%	1.8%	2.0%	1.9%	1.7%	3.0%	2.9%	1.6%	1.7%	1.7%
Assault	11.8	6.8	9.8	7.8	7.1	7.2	9.5	7.5	7.9	10.1	6.0	8.3	11.5	5.5	8.5	12.1	8.1	8.3	14.3	5.1	5.5
Other serious violent offences	0	0	0	0.3	0.2	0.2	0.3	0.5	0.4	1.4	0.9	1.2	0.3	0.2	0.2	0.8	0.4	0.4	0	0.1	0.1
Subtotal person offences	14.4	7.8	11.8	12.5	10.0	10.4	11.0	9.5	9.7	13.2	8.5	11.2	13.6	7.7	10.6	14.6	11.5	11.6	15.9	6.9	7.3
Theft/possession	15.1	7.8	12.2	25.9	21.6	22.4	27.6	30.7	29.9	13.2	10.9	12.2	15.2	19.5	17.4	17.6	19.2	19.1	11.9	17.9	17.6
Break and enter	17.1	6.8	12.9	15.2	13.9	14.1	15.6	15.9	15.8	12.7	9.9	11.5	7.9	11.2	9.6	21.2	14.8	15.2	16.4	18.8	18.7
Other property	5.9	1.0	3.9	4.7	8.3	7.6	5.7	12.9	11.1	3.8	7.8	5.5	5.1	7.5	6.3	6.7	8.7	8.6	7.4	7.1	7.1
Subtotal property offences	38.1	15.6	29.0	45.8	43.8	44.1	48.9	59.5	56.8	29.7	28.6	29.2	28.2	38.2	33.3	45.5	42.7	42.9	35.7	43.8	43.4
Drinking/driving	27.0	64.1	42.0	23.1	31.5	30.0	19.2	14.4	15.5	24.9	45.4	33.9	40.7	42.1	41.4	13.0	25.2	24.5	20.5	34.2	33.6
Bail and probation violations	11.8	4.9	9.0	11.5	7.4	8.2	12.0	6.9	8.1	22.2	10.4	17.0	9.7	3.4	6.5	16.5	11.5	11.8	8.6	6.2	6.3
Weapons	4.6	4.9	4.7	2.1	2.3	2.3	3.6	2.8	3.0	4.5	2.0	3.4	2.4	1.3	1.9	3.1	1.8	1.9	3.3	1.2	1.3
Other unspecified	3.9	2.9	3.5	5.0	5.0	5.0	5.4	7.1	6.7	5.5	5.1	5.3	5.6	7.3	6.5	7.3	7.2	7.2	16.0	7.6	8.0
Subtotal other offences*	20.3	12.7	17.2	18.6	14.7	15.5	21.0	16.8	17.8	32.2	17.5	25.7	17.7	12.0	14.9	26.9	20.5	20.9	27.9	15.0	15.6
Total percent	99.8%	100.2%	100.0%	100.0%	100.0%	100.0%	100.1%	100.2%	99.8%	100.0%	100.0%	100.0%	100.2%	100.0%	100.2%	100.0%	99.9%	99.9%	100.0%	99.9%	99.9%

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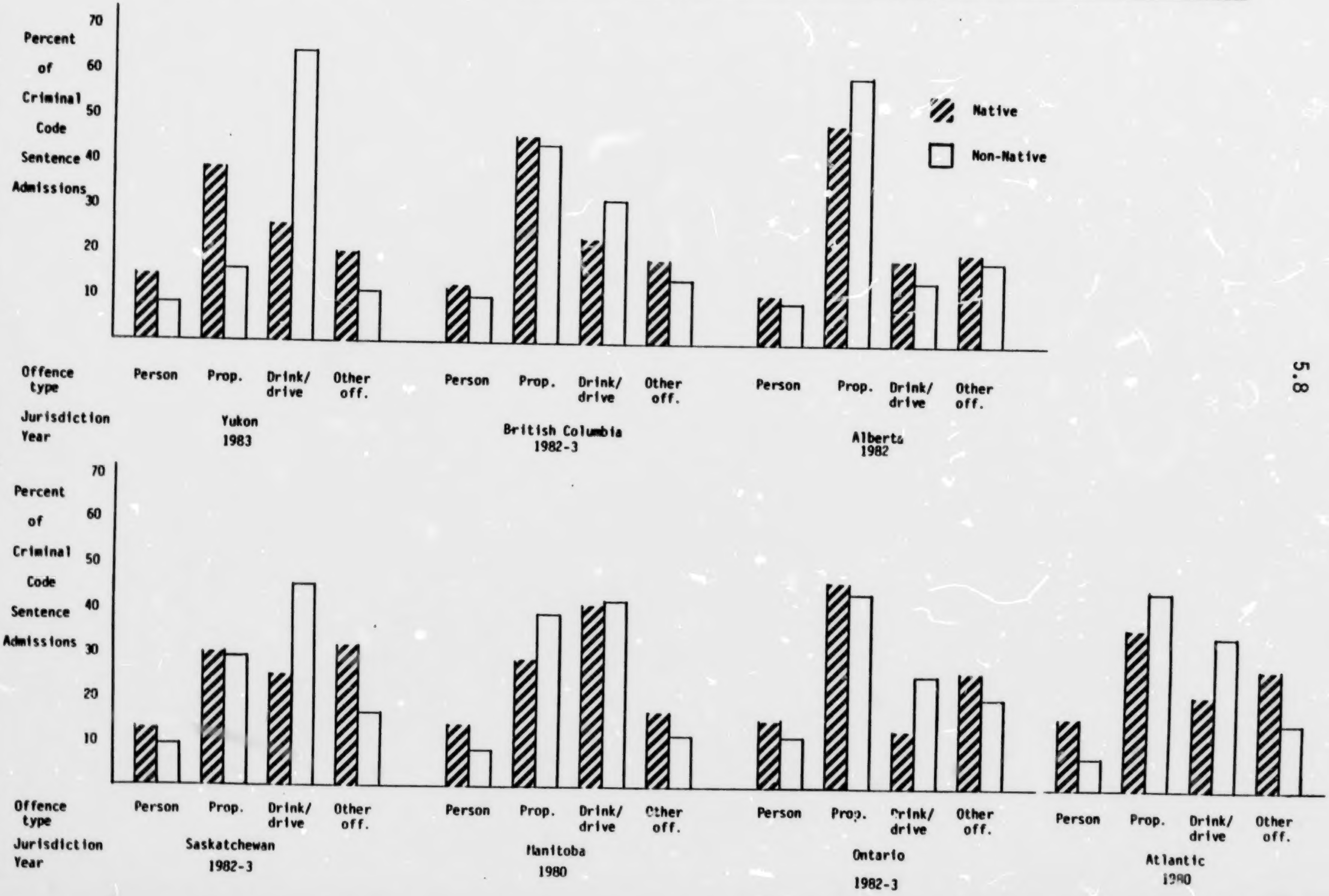
*"Subtotal other offences" excludes drinking/driving offences.

Figure 5.2

A COMPARISON OF NATIVE AND NON-NATIVE CRIMINAL CODE SENTENCE ADMISSIONS TO PROVINCIAL/TERRITORIAL CUSTODY



Although the proportion of admissions with an offence against the person as the admitting offence was low in all jurisdictions (between 7% and 16% of Criminal Code sentence admissions), Native admissions were very slightly more likely to involve such offences than were non-Native custodial terms. Most of the difference is accounted for by the disproportionate number of Native entries for assault (e.g., in the Yukon, Saskatchewan, Manitoba, Ontario and the Atlantic region). The strongest racial difference was found in the Atlantic region, where 14% of Native but only 5% of non-Native Criminal Code admissions in 1980 had assault as the admitting offence.

In all regions, but especially in the Yukon and the three prairie provinces, a larger proportion of Native than non-Native Code sentence admissions had a bail or probation violation as the admitting offence.[*] Although weapons offences[**] comprised small percentages of total admissions in almost every jurisdiction, in Saskatchewan, Manitoba, Ontario and the Atlantic, Native admissions had a greater likelihood of having such charges as the admitting offence. There was, in fact, a tendency in four jurisdictions for Natives to be incarcerated for "victimless" offences (bail/probation violations, weapons, and "other" charges) in larger proportions than their non-Native counterparts.[***]

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[*] Included in this category are offences under the Bail Reform Act (s. 133 of the Code), s. 116 ("disobey court order") and breach of probation (s. 664 and s. 666).

[**] S. 83 to 98 of the Code.

[***] The Yukon, Saskatchewan, Manitoba and the Atlantic region. See the percentages for "subtotal other offences" on Table 5.2.

In the Yukon, a larger proportion of Natives than non-Natives were admitted for property offences (38% versus 16%, respectively). Elsewhere, there was either no difference by race in property offence admissions (in B.C., Saskatchewan and Ontario, or a slightly smaller percentage of Natives than non-Natives entering provincial institutions on such offences.

The top five Criminal Code admitting offences for both racial groups are found on Table 5.3 for all jurisdictions. The admitting offence types do not vary markedly either across jurisdictions or by race within jurisdictions, if the rankings are examined. Criminal Code driving offences tend to be ranked first or second for both races in most regions. Theft and possession charges, and break and enters, are also generally one of the first three admitting offences. Assaults and bail/probation violations are ranked fourth or fifth among both Native and non-Native admissions in the majority of regions.

Table 5.3

THE TOP FIVE NATIVE AND NON-NATIVE CRIMINAL CODE ADMITTING OFFENCES

JURISDICTION	YUKON		BRITISH COLUMBIA		ALBERTA		SASKATCHEWAN		MANITOBA		ONTARIO		ATLANTIC	
YEAR	1983		1981-2		1982		1982-3		1980		1981-2		1980	
RACE	Native	Non-Native	Native	Non-Native	Native	Non-Native	Native	Non-Native	Native	Non-Native	Native	Non-Native	Native	Non-Native
Rank														
First	Drinking/ driving	Drinking/ driving	Theft/ possesssion	Drinking/ driving	Theft/ possession	Theft/ possession	Drinking/ driving	Drinking/ driving	Drinking/ driving	Drinking/ driving	Break & enter	Drinking/ driving	Drinking/ driving	Drinking/ driving
% of admissions	(27%)	(64%)	(26%)	(32%)	(28%)	(31%)	(25%)	(45%)	(41%)	(42%)	(21%)	(25%)	(21%)	(34%)
Second	Break & enter	Theft/ possession	Drinking/ driving	Theft/ possession	Drinking/ driving	Break & enter	Bail/prob. violation	Theft/ possession	Theft/ possession	Theft/ possession	Theft/ possession	Theft/ possession	Break & enter	Break & enter
% of admissions	(17%)	(8%)	(23%)	(22%)	(19%)	(16%)	(22%)	(11%)	(15%)	(20%)	(18%)	(19%)	(16%)	(19%)
Third	Theft/ possession	Break & enter	Break & enter	Break & enter	Break & enter	Drinking/ driving	Theft/ possession	Bail/prob. violation	Assault	Break & enter	Bail/prob. violation	Break & enter	Assault	Theft/ possession
% of admissions	(15%)	(7%)	(15%)	(14%)	(16%)	(14%)	(13%)	(10%)	(12%)	(11%)	(17%)	(15%)	(14%)	(18%)
Fourth	Assault	Assault	Bail/prob. violation	Bail/prob. violation	Bail/prob. violation	Fraud	Break & enter	Break & enter	Bail/prob. violation	Assault	Drinking/ driving	Bail/prob. violation	Theft/ possession	Bail/prob. violation
% of admissions	(12%)	(7%)	(12%)	(7%)	(12%)	(10%)	(13%)	(10%)	(10%)	(6%)	(13%)	(12%)	(12%)	(6%)
Fifth	Bail/prob. violation	Break & enter	Assault	Assault	Assault	Assault	Assault	Fraud	Break & enter	Fraud	Assault	Assault	Bail/prob. violation	Assault
% of admissions	(12%)	(7%)	(8%)	(7%)	(10%)	(8%)	(10%)	(6%)	(8%)	(5%)	(12%)	(8%)	(9%)	(5%)
Total Criminal Code admissions accounted for by the top five	77%	93%	84%	82%	85%	79%	83%	82%	86%	84%	81%	79%	72%	82%

Sentence Lengths of Criminal Code Sentence Admissions to Provincial Custody

The top ranked offences do not, therefore, vary substantially by racial origin, even though the percentages of admissions accounted for by each admitting offence type do differ somewhat by Native/non-Native status. This section describes sentence lengths for admitting offences which have numbers adequate for analysis.

Criminal Code Driving Offences:

Sentence lengths for "drinking/driving" charges showed significant variation by race in two regions; in several more jurisdictions, there was a similar tendency for Natives to serve slightly longer sentences. In both Saskatchewan and the Maritimes, non-Native admissions involved a disproportionate number of sentences of 14 days or less and, in Saskatchewan, non-Natives were also more likely than Natives to serve sentences of from 15 to 30 days (Figure 5.3).

Property Offences:

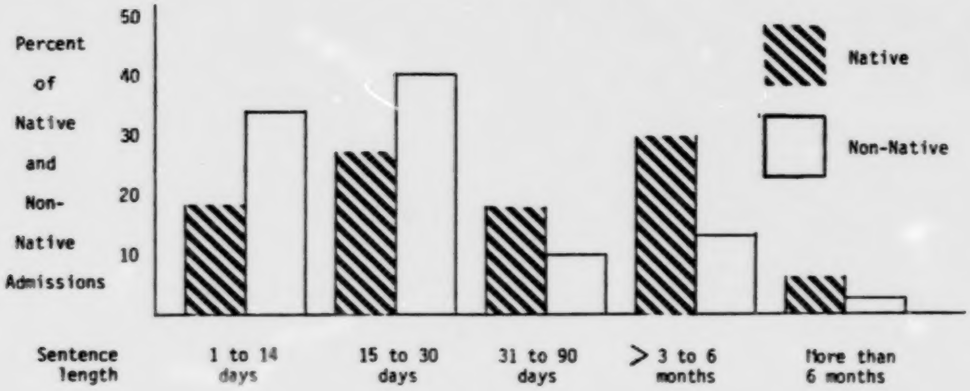
Property offences, especially theft/possession of stolen property and break and enter, constituted a high proportion of admissions to provincial custody for both racial groups. In all jurisdictions, sentence lengths for Natives and non-Natives showed no significant differences.

Two provinces had sufficient numbers of admissions for fraud and related charges to analyze sentence lengths. In Alberta, there was no difference

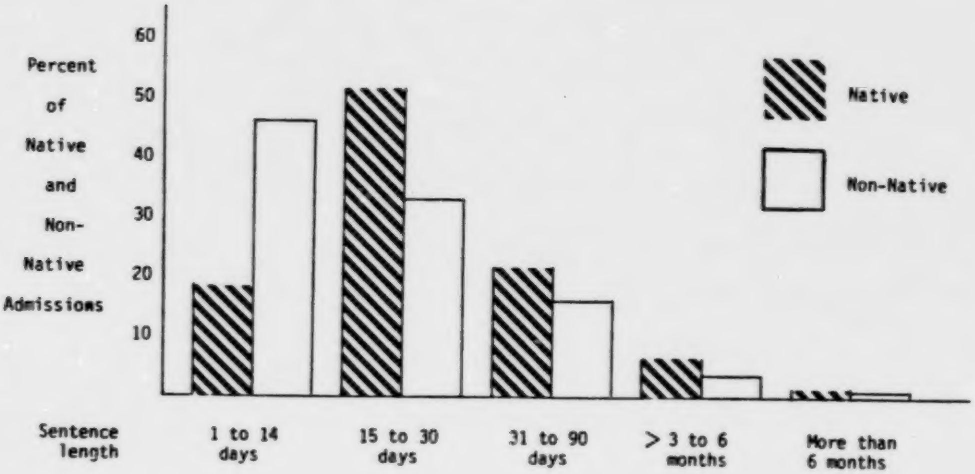
Figure 5.3

SENTENCE LENGTHS OF NATIVE AND NON-NATIVE CRIMINAL CODE DRIVING OFFENCES: SASKATCHEWAN AND ATLANTIC REGION

SASKATCHEWAN, 1982-3



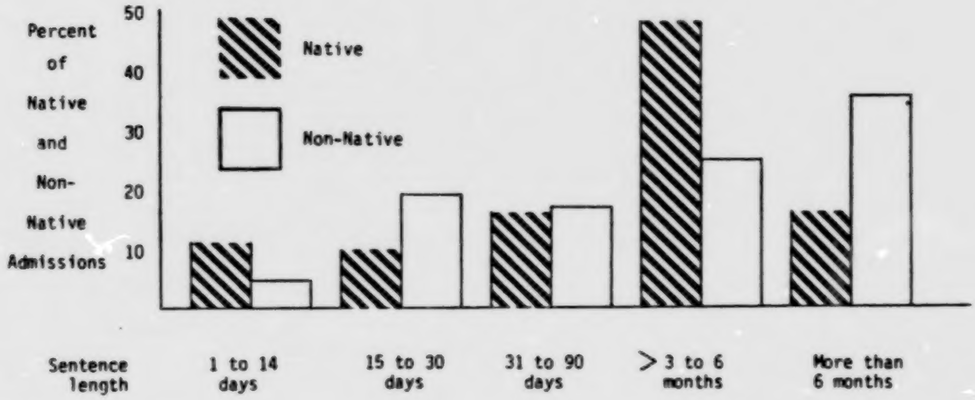
ATLANTIC REGION, 1980



by race. In Saskatchewan, however, Native admissions involved shorter sentences than did non-Native admissions; over one-third of non-Native admissions, but only 16% of Native admissions were sentenced to more than six months for fraud and related offences (Figure 5.4).

Figure 5.4

SENTENCE LENGTHS OF NATIVE AND NON-NATIVE FRAUD OFFENCES: SASKATCHEWAN, 1982-3

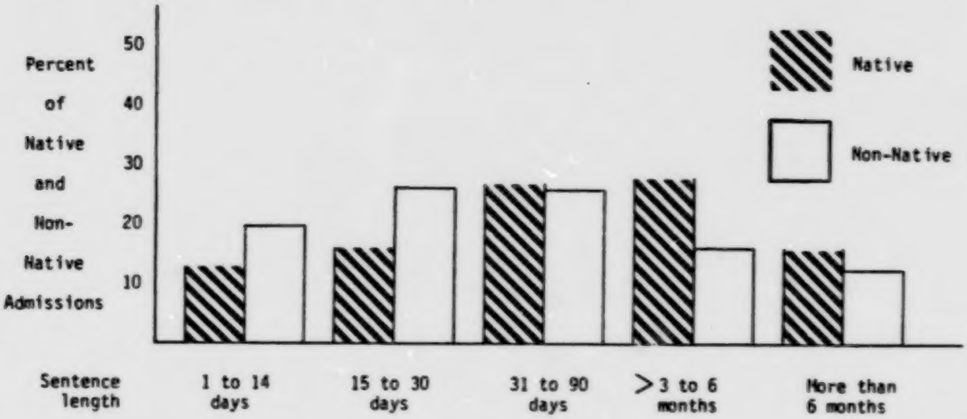


Offences against the Person:

As noted in the last section, offences against the person accounted for relatively low percentages of admissions to provincial custody, especially when compared to their representation in admissions to federal penitentiaries. In provincial correctional admissions, both groups had similar sentence lengths for assaults (B.C., Alberta, Saskatchewan, Manitoba and Ontario) and for robbery (B.C.). The sole exception to the general trend for similar sentences was found in Ontario, for the offence of assault. In that province, a larger proportion of non-Natives than Natives were admitted on sentences of 30 days or less: 46% of non-Native admissions, compared to only 29% of Native admissions involved sentences of 1 to 30 days (Figure 5.5).

Figure 5.5

SENTENCE LENGTHS OF NATIVE AND NON-NATIVE ASSAULT OFFENCES: ONTARIO, 1981-2



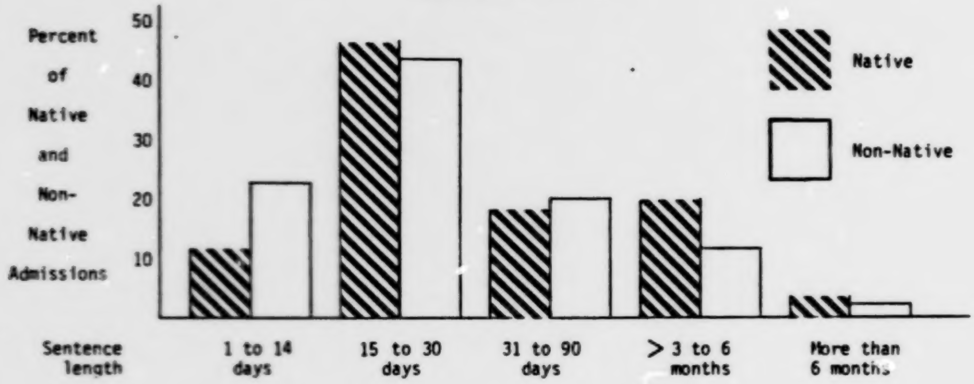
Bail and Probation Violations:

Bail and probation charges were often found to disproportionately involve Native persons and were frequently ranked among the first five admitting offences. Again, there was only one jurisdiction (of a total of 5 regions where comparisons were possible) with a difference between the two groups in length of sentence. In Alberta, non-Natives more often received short sentences of 14 days or less (Figure 5.6).

Figure 5.6

SENTENCE LENGTHS OF NATIVE AND NON-NATIVE BAIL AND PROBATION VIOLATIONS:

ALBERTA, 1982



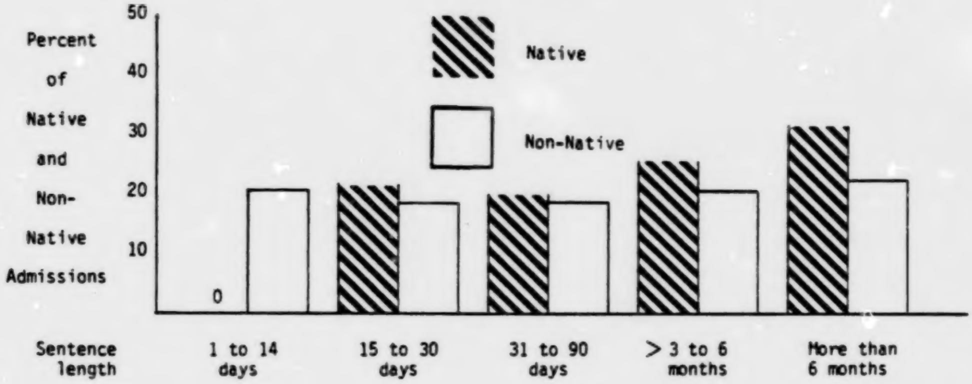
Weapons Offences:

Weapons charges comprised very small percentages of the Criminal Code sentence admissions to provincial custody. In all three provinces where numbers were sufficient for an analysis of sentence length (Alberta, Saskatchewan, and Ontario), Native admissions were for longer periods (Figure 5.7). A smaller percentage of Natives were sentenced to 14 days or less in Alberta and Ontario and, in Ontario, there was a marked difference by race in the proportion of admissions with sentences of 1 to 30 days (44% of non-Native as opposed to 18% of Native admissions). In Saskatchewan, there were generally longer sentences than elsewhere; non-Natives predominated in the 31 to 90 day category, so that only 31% of Native but 47% of non-Native admissions had received sentences of 90 days or less.

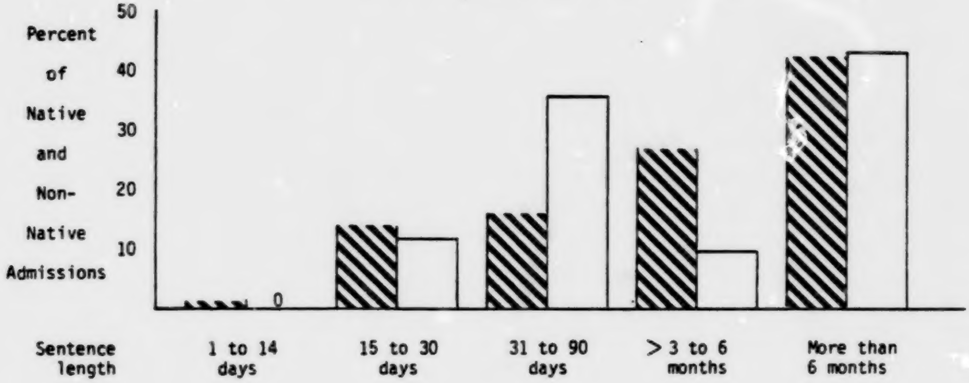
Figure 5.7

SENTENCE LENGTHS OF NATIVE AND NON-NATIVE WEAPONS OFFENCES:
ALBERTA, SASKATCHEWAN, AND ONTARIO

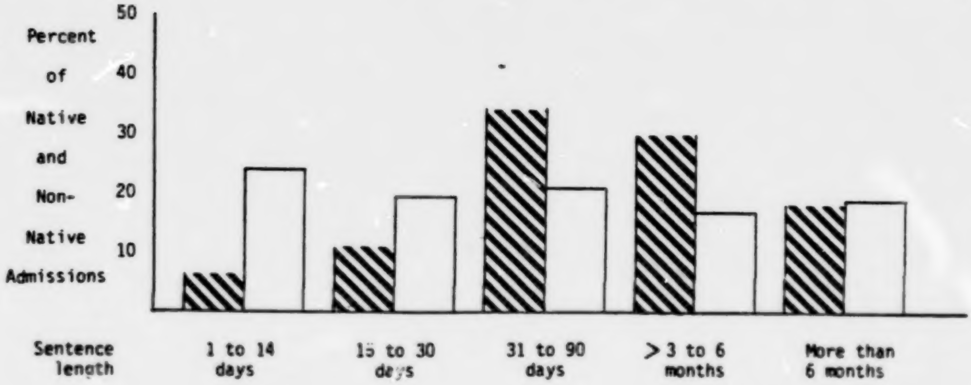
ALBERTA, 1982



SASKATCHEWAN, 1982-3



ONTARIO, 1981-2



Summary

Chapter 5 has provided details on the admitting offence and the sentence lengths of Criminal Code sentence admissions to federal and provincial custody. The analysis revealed that admissions to federal custody differed moderately by race, so that, for example, Natives were disproportionately committed to penitentiary for assault and manslaughter, and non-Natives were more likely to enter C.S.C. institutions for robbery and some types of property charges. There were no substantial differences by race in federal sentence lengths for the three offences for which comparisons could be made.

The Criminal Code sentence admissions to provincial custody also showed differences in the admissions profiles of the two groups. Most notably, in the majority of jurisdictions, a larger percentage of non-Natives entered provincial institutions on a Criminal Code driving charge than did Natives. In comparison to non-Native admissions, Native admissions disproportionately involved so-called "victimless" offences (e.g., bail and probation violations, weapons charges). Also, in a few jurisdictions, a larger proportion of Native admissions had an offence against the person as the admitting offence than did non-Native admissions. On the other hand, while it was true that the two profiles differed in terms of the percentage of admissions accounted for by various admitting offences, there was a remarkable similarity between the racial groups in the ranking of the top five admitting offences to provincial and territorial custody.

There were no consistent trends across jurisdictions in sentence lengths; that is, Natives were not uniformly sentenced to longer periods in custody when sentence lengths for the admitting offence type were analyzed. Indeed, in the majority of racial comparisons made, there was no significant difference between the two groups. Those differences that were found did suggest that Native admissions had somewhat longer custodial terms for some offences than did non-Native admissions: Criminal Code driving charges (2 jurisdictions), assault (1 jurisdiction), bail/probation violations (1 jurisdiction), and weapons (3 jurisidictions). These differences cannot, however, be interpreted as evidence of discriminatory practices for without information on other key variables, especially prior record and number of charges, no conclusions as to bias can be drawn. Considering that Native people tend to have more contact with the police and the courts than do non-Natives, and that prior offence history tends to affect the sentence of the court,* it is perhaps surprising that there were not more differences between the two groups.

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*For example, Hagan (1975). Hagan and other researchers have also hypothesized that Native offenders may sometimes receive more lenient treatment from the courts than non-Natives (i.e., "reverse discrimination") (Havemann, 1984: 118).

Chapter 6: SUMMARY AND IMPLICATIONS FOR RESEARCH

Study Limitations

Prior to a discussion of the findings and implications of this study, it is important that the limitations of the research are again briefly noted.

It is critical that the reader remember that the data presented in this report are in terms of admissions to custody rather than the number of persons entering correctional institutions. An individual offender would be counted more than once if he or she had more than one admission in the same year; this point is largely relevant for admissions to provincial institutions where shorter sentences are served than in federal penitentiaries. There is some indication that Natives are more likely to experience multiple admissions in the same time period than are non-Natives. Therefore, admissions data provides no evidence on the differential "chronicity of contact" of Natives and non-Natives.

The research controls for one legal factor -- that is, the type of admitting offence -- but any study attempting to examine the discriminatory treatment of Native persons at the sentencing stage of criminal justice processing would require additional legal and extra-legal variables to do so.

It should also be pointed out that inter-jurisdictional comparisons of custodial admissions are made difficult by the variations in the jurisdictions' correctional information systems, and in the type of information they collect.

A final limitation of the research is related to data availability. The lack of analyzable data from the Northwest Territories, Quebec and the Atlantic provinces has precluded their inclusion in this report.

Summary of the Major Findings

This research has analyzed the extent to which Native and non-Native admissions to federal custody and to six provincial/territorial correctional systems differ in terms of the reason for admission (whether the admission resulted from a sentence of imprisonment from the court or from fine default), the admitting offence, and sentence lengths.

The results confirm findings from earlier studies that have shown that Natives are heavily represented in admissions to custody in the prairies and the two territories, and are "overrepresented" in all jurisdictions when the number of Native and non-Native admissions is compared to their representation in the general adult population.

This research has gone further than most previous work in the area by estimating the differences among jurisdictions in the degree of overrepresentation for sentence, fine default and total admissions and for different statutory violations. When the ratios of Native and non-Native admission rates were compared, Saskatchewan had the greatest degree of overrepresentation of Natives (a ratio of 32 to 1 for total admissions), and the Yukon and British Columbia, the least (ratios of 7 to 1 and 8 to 1, respectively).

The analysis also showed that the overrepresentation of Natives was greater for fine default admissions than for sentence admissions in Alberta, Saskatchewan, Manitoba, and Ontario. The difference between the two types of admissions was most striking in Saskatchewan, where Natives were overrepresented by 26 to 1 in sentence admissions, and 69 to 1 in fine default admissions, when the ratios of the rates of admission of the two groups were compared.

In Ontario, Native overrepresentation in both sentence and fine default admissions was much more pronounced for provincial offences than for admissions resulting from a Criminal Code offence -- a finding that suggests that a disproportionate number of Native admissions were the consequence of more minor, "quasi-criminal" offences than were non-Native admissions. This was also true in Saskatchewan and Alberta, but for fine default admissions only.

If entries to custody on Criminal Code charges are examined, it is apparent that the degree of overrepresentation differed considerably by jurisdiction. With regard to sentence admissions on Criminal Code violations, Ontario had the lowest ratio between Native and non-Native rates of admission -- i.e., the least "overrepresentation" of Natives -- with a ratio of 6 to 1. With a ratio of 26 to 1, Saskatchewan had the most overrepresentation. With regard to Criminal Code fine default admissions, British Columbia and Ontario had the lowest ratios of Native:non-Native admission rates (9 and 10 to 1), and again Saskatchewan had by far the highest (62 to 1).

When the analysis turned to comparisons of the Native and non-Native "admissions profile" for sentence admissions, it was evident that in the majority of jurisdictions there was considerable similarity in Native and non-Native admissions for provincial offences, Criminal Code, and non-Criminal Code other federal statute violations. In five jurisdictions, 90% or more of sentence admissions of both racial groups had a Code or an other federal statute offence as the admitting offence; therefore, in these provinces few admissions resulted from a sentence on a provincial statute violation. In Ontario, however, almost one-half of Native -- and only one-fifth of non-Native -- sentence admissions were the result of a sentence of imprisonment for a provincial offence. Almost all of the Native sentence admissions for a provincial offence were the result of convictions for a violation of Ontario liquor laws.

A review of provincial liquor legislation regarding the offence of public intoxication found that in all provinces but Ontario there were provisions for the temporary placement of the public inebriate in a police lock-up. In Ontario, a person found intoxicated in a public place apparently may only be taken to a detoxification centre, not to more readily available "drunk tanks" in police stations.

The differential involvement of Ontario Native persons in sentence admissions for liquor charges may be related to the unavailability of bed space in detoxification facilities in areas of the province with a high concentration of Natives. As well, the life style of Native persons -- for example, brief periods in towns and cities when public alcohol involvement is common -- may also work to disadvantage Natives in terms of the enforcement of provincial liquor legislation.

Typically, fewer fine default admissions involved Criminal Code offences than did sentence admissions. However, in five of the six jurisdictions being described, the majority of fine default admissions of both Natives and non-Natives were the consequence of non-payment of a fine for a Criminal Code offence.

Because larger proportions of fine default admissions had a non-Criminal Code offence as the admitting offence than had sentence admissions, more comparisons by race were possible. In every jurisdiction but British Columbia,* Native and non-Native admissions differed in terms of the admitting offence. The trends were as follows: compared to non-Natives, Natives were more often admitted for a provincial liquor offence, but less likely to be incarcerated for non-payment of a fine for a provincial motor vehicle charge, an "other provincial/municipal" offence, or for a federal drug violation.

When "total admissions" to provincial custody became the unit of analysis, the emphasis turned to the racial differences in the percentage of all admissions accounted for by fine default. In the past commentators have reported that fine default admissions of Natives comprised a much larger percentage of total admissions than did fine default admissions of non-Natives. However, the analysis of more recent data revealed that there was only a very slight racial variation in the expected direction in

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*In B.C., fine default on a provincial offence is handled by civil procedures, and few admissions for these offences occur.

Alberta and Ontario. However, in Saskatchewan the difference was more extreme: Native admissions to custody were twice as high as non-Native admissions resulting from non-payment of a fine.*

Despite recent (1979) legislation in Ontario with the stated intent of reducing imprisonment for provincial offences, almost one-fifth (18%) of all admissions in Ontario were on a sentence for a provincial offence and a further 16% were for fine default on a provincial offence. Therefore, one third of all admissions in Ontario in 1982-3 were the result of such "quasi-criminal" offences. In the other jurisdictions, between 6% and 15% of all admissions resulted from a conviction on a provincial statute. Furthermore, the Ontario data showed that Native admissions were especially likely to have a provincial offence as the admitting offence (56% of Native and 32% of non-Native admissions in 1982-3); in the five other jurisdictions from which data were obtained, provincial offences accounted for from 4% to 20% of all Native admissions.

Sentence lengths of Natives and non-Natives did not differ substantially for sentence and fine default admissions for provincial and non-Criminal Code federal offences. There were few racial differences in sentence lengths in the majority of comparisons made by type of admitting offence.

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*The analysis summarized earlier on the comparison of Native and non-Native admissions, controlled by the number of Natives and non-Natives in the adult population of each jurisdiction, found that Natives were generally overrepresented in fine default admissions. These present findings simply mean that when fine default admissions are considered as a percentage of all admissions of each group, there was a substantial difference by race in one province, and a slight difference in two provinces.

The examination of Criminal Code sentence admissions by specific offence and sentence length found that there were variations by race in the type of admitting offence, but a considerable similarity in sentence lengths for most offence types.

Native admissions to federal penitentiaries disproportionately had assault and manslaughter as the admitting offence; however, the top five admitting offences were very similar for both Natives and non-Natives.

Similarly, the ranking of the first five admitting offences of Natives and non-Natives was very similar for Criminal Code sentence admissions to provincial institutions. However, the admissions profiles of the two groups differed in the percentage of sentence admissions accounted for by different offence types. Natives were less likely than non-Natives to be sentenced to custody for Criminal Code driving charges, but somewhat more likely to have "victimless" offences and, to a lesser extent, offences against the person (especially assault) as the admitting offence.

As was the case for admissions resulting from provincial offences and non-Criminal Code federal offences, Native and non-Native differences in Criminal Code sentence lengths were infrequent; the majority of comparisons by offence type showed considerable similarity between the two groups.

Because other important variables not available to this research potentially affect the lengths of custodial terms -- particularly prior record -- no conclusions as to discriminatory treatment of Native persons by the criminal justice system can be drawn from the finding that Natives sometimes received longer sentences for some offences.

Implications for Research

Although automated information systems maintained by correctional agencies can provide data on the consequences of earlier decisions by the gatekeepers to the criminal justice system (i.e., the number and type of custodial sentences), they cannot provide explanations for the differential involvement of Natives as offenders in the system. Alternate methodologies are required to obtain the information needed to discover the factors responsible for the racial differences in admissions -- for example, field work and primary data collection at the police and court levels of system processing. At present, automated information systems at these levels do not routinely collect information on the race of the accused, probably because this information is generally perceived as being of little or no operational relevance to police and court personnel. However, with increasing concern about the issue of Native overrepresentation at all stages of criminal justice processing, it is possible that an effort on the part of system officials to develop more accurate and detailed databases may occur.

In order to explain the differential admission rates of Natives and non-Natives, ideally police and court data would be required. The types of variables that should be collected are: legal factors, such as the offence types and seriousness of the charges, the circumstances of the offence, the number of counts of each offence, and the prior record of the accused; extra-legal factors, such as race, employment status, socio-economic status, and gender; and court processing variables, such as pre-trial detention, the presence and type of defence lawyer, the nature of the plea, Crown and defence elections, pre-sentence report recommendations, probation officer recommendations, etc. Multivariate analysis would be required to determine whether race independently impacts on court sentences when all other factors are controlled.

Furthermore, this type of research should be undertaken in several regions of the country, and in isolated, rural and urban areas in order to ascertain sentencing practices in a variety of geographic locations.

Obviously, a study of this magnitude would be time consuming, costly, and fraught with methodological problems, particularly if a follow-up component (e.g., for persons receiving fines as well as sentences of imprisonment) were included in the study design. However, it is critical that research attention be directed toward this kind of undertaking.

Studies with a more restricted focus may also be of interest to policy makers and others concerned with the overrepresentation of Native persons as offenders in the courts and correctional systems of this country. This research has found extremely large differences among jurisdictions in the manner in which certain offence types (i.e., provincial offences) and situations (fine default on provincial offences) are dealt with by the criminal justice system. The evidence suggests that Native persons are especially vulnerable to involvement in these offences and situations. The jurisdictional variations in admissions for provincial offences and for fine default on provincial offences point to the importance of the environment or context within which the criminal justice system operates -- the legislation, case law, policies, practices, and the availability of alternatives to charging and to incarceration. Future research should be directed towards the analysis of legislation, policy, and administrative procedures maintained in various jurisdictions in order to discover the differences among environments which may affect sentencing patterns and custodial admissions for provincial offences.

The analysis has found that Native persons are differentially involved in provincial offence admissions, particularly admissions for violations of liquor laws. In Ontario there was a large racial difference in sentence admissions for such offences and in all jurisdictions but British Columbia, the same is true of fine default admissions. Police policies and practices regarding the use of police lock-ups for public inebriates could be examined (e.g., by interviews, examination of police arrest or occurrence reports) in order to obtain both perceptual and statistical data on this alternative to laying a charge. For example, in those provinces where there is the provision that a police lock-up may be used as an alternative to a liquor charge, what factors appear to operate in the police decision? In Ontario, what factors affect the use of a detoxification centre?*

In Ontario, it would also be instructive to examine the variables related to the exercise of discretion available to the police under the Provincial Offences Act. In that legislation, the police have the option to proceed by way of a Certificate of Offence (which has a maximum penalty of a $300 fine and no option of imprisonment), or by way of laying an Information (where the standard statutory penalties are available to the court). Research could investigate the degree to which police operate in a completely discretionary way with regard to the choice of procedures or whether guidelines, provincially or at the departmental level, have been provided them.

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*It is notable that Ontario admissions accounted for 99% of all liquor sentence admissions and 88% of all liquor fine default admissions in the six jurisdictions discussed in this report.

British Columbia, by its use of the Small Claims Court, has virtually eliminated the use of custody for non-payment of a fine on a provincial offence. Other provinces may be interested in exploring the administrative procedures utilized in British Columbia, as well as the effects of this civil procedure on the criminal justice system, on the offender and on the crime rates for provincial offences.*

The intent of the Provincial Offences Act in Ontario was to reduce the use of imprisonment for non-payment of a fine on a provincial offence. However, in 1982-3, 27% of Native admissions and 15% of non-Native admissions were the consequence of fine default on a provincial violation. An investigation into the practices of the courts and the police (who are responsible for executing warrants) may provide information on the reasons for the continued large number of admissions of both Natives and non-Natives for defaulting on a fine for a provincial offence. Is "wilful" non-payment the main reason why so many offenders of Native origin are incarcerated for fine default in Ontario, or are there other procedural and administrative reasons?

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*See also a review of alternative methods of fine enforcement in the Law Reform Commission of Saskatchewan (1977: 57).

Also in the area of fine default, research efforts should be directed towards the monitoring and evaluation of existing fine option programs in order to assess their utilization by and impact on Native offenders.

Finally, research into the recidivism patterns of Native offenders must be initiated. An examination of the criminal careers of Natives and non-Natives -- i.e., the nature and duration of the career paths of the two groups -- may provide insights into the reasons for the overrepresentation of Natives in the correctional institutions of Canada. In order to adequately interpret the findings presented in this report, it is essential to document the number and kinds of offences on which Native persons are convicted, their admissions to federal, provincial and territorial institutions, and the age and life circumstances of the offenders at the time at which these convictions and imprisonments occurred.

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APPENDIX

A report to: The Research Division, Solicitor General of Canada

By:

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This report was prepared under contract between The Research Group, Toronto and the Solicitor General of Canada. The views expressed in this report are those of the authors and do not necessarily reflect the view of the Solicitor General of Canada.

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DATA LIMITATIONS

The statistics compiled for this report are the result of a comprehensive data collection effort not recently undertaken in this country. As was noted in Chapter 1 of this report, they must be viewed with caution because of the differences among the information systems providing these data. This section first presents the definitions of the "most serious offence" in the admission, followed by a brief discussion of other, more specific limitations of the data.

Definitions of the Most Serious Offence in the Admission

The following outlines the ways in which most serious offence (MSO) was defined for this research:

The Yukon:

The selection of the most serious offence in the admission was done manually by the senior author for this report, utilizing printout of the entire file of all 1983 sentence and fine default admissions provided this project by Yukon Justice personnel. Offences are classified into approximately 50 categories by the Yukon information system, and each offence involved in the admission is recorded on the system.

The senior author selected the most serious charge using the Criminal Code maximum penalty for each offence, with the proviso that if an offence against the person was involved in the admission, that charge was always selected as the MSO. If two charges had the same maximum penalty, the first one on the file was selected as MSO. Aggregate sentence length for the admission was the only data available on sentence length; hence, the charge with the longest sentence could not be ascertained.

British Columbia:

In B.C., the information system of the Corrections Branch of the Attorney General classifies the charge with the longest actual sentence as the most serious. If two charges have the same sentence length, a "default table" is utilized. On the default table is the mean sentence for all admissions involving that offence type, calculated every few years using the total population of admissions.

Alberta:

Systems personnel of the Alberta Solicitor General programmed admissions data especially for this project: if a Criminal Code charge was involved in the admission, it was chosen as the MSO. Otherwise, the MSO was the first listed charge on the admission record.

Saskatchewan:

All offences are classified into seven major offence groups, ranked from most to least serious (i.e., crimes against the person, against property, drinking/driving, etc.). The MSO is selected from the highest ranked offence group in the admission.

Manitoba:

The MSO is the charge with the longest actual sentence in the admission. If two charges have the same sentence length, then the offence with the maximum statutory penalty is selected.

Ontario:

All offences are categorized into one of a number of major offence groups, ranked from most to least serious. This ranking is calculated using the mean sentence lengths of all admissions using recent data for one year.

Other Data Limitations

More specific data problems were encountered during the analysis of admission data:

- The Northwest Territories was not able to provide data on admissions in the format required by this research.
- British Columbia data reported in Chapter 5 represent a sample of the total population of Criminal Code sentence admissions. This is not, however, the case for the data presented in Chapters 2 to 4.
- Alberta fine default data must be viewed cautiously. According to systems personnel, not all fine default admissions were recorded on the Correctional Services' database in 1982. Until recently, one remand centre did not enter on the system all fine default admissions processed through the "detention" area of the facility. No estimate of the population not entered is available.

Secondly, the data field used to categorize fine default admissions is known not to be completely accurate. For this reason, a computer generated definition of a fine default admission was created: a pure fine default admission was defined as a sentenced admission where no "straight" time was associated with any of the charges, and where an outstanding fine was present (i.e., the balance of the fine assessed and the fine paid fields was greater than zero).

- Saskatchewan 1982-3 tables in Chapter 5 may include up to 800 "carryovers" from the previous year; i.e., admissions from the earlier year are included in the counts for 1982-3.
- Ontario data for 1980-1 exclude 2,484 sentence admissions (5.7% of total admissions) and data for 1982-3 exclude 2,238 sentence admissions (4.3% of total admissions for that year) because the admission was a "parole admit", or had an unknown crime type, or an unknown sentence length.
- Manitoba and Atlantic admissions data, found in Chapter 5, were obtained from the Integrated Prison Program database of the Canadian Centre for Justice Statistics. The IPP data are believed to contain inaccuracies in the recording of ethnicity.

DATA AVAILABILITY

	N.W.T.	YUKON	BRITISH COLUMBIA			ALBERTA		SASKATCHEWAN		MANITOBA		ONTARIO			ATLANTIC	CSC
	1982	1983	80-1	81-2	82-3	80	82	80-1	82-3	80	82	80-1	81-2	82-3	1980	1982
Sentence admissions																
-total number of Natives, non-Natives	X	X	X		X	X	X	X	X		X	X		X		
-by major offence		X	X		X	X	X	X	X		X	X		X		
-by specific C.C. category		X		X		X	X		X	X			X		X	X
-sentence length, provincial offences		Low N's	Low N's		X	X	X	Low N's				X		X		
-sentence length, C.C. offences		X		X		X	X		X	X			X		X	X
-sentence length, other federal		Low N's		Low N's			X	Low N's				X		X		
-% age change total entries				X		X		X					X			
Fine default admissons																
-total number Natives, non-Natives		X	X		X	X	X	X	X		X	X		X		
-by major offence		X	X		X	X	X	X	X		X	X		X		N.A.
-by specific C.C. category								X	X							
-sentence length, provincial offences		Low N's		Low N's		X	X	X	X			X		X		
-sentence length, total C.C. offences			X		X	X	X	X	X			X		X		
-% age change total entries				X		X		X					X			

A.6

SUPPORTING TABLES FOR CHAPTER 4

Table A4.1

LENGTH OF SENTENCE OF SENTENCE ADMISSIONS FOR PROVINCIAL MOTOR VEHICLE OFFENCES

JURISDICTION	YUKON				BRITISH COLUMBIA				ALBERTA				SASKATCHEWAN				MANITOBA				ONTARIO			
YEAR	1983				1982-3				1982				1982-3				1982				1982-3			
RACE	Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives	
	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%
Sentence Length																								
1-4 days					68.0	68.0	74.1	74.1													12.1	12.1	11.1	11.1
5-7 days																					30.2	42.3	25.5	36.6
8-14 days					9.3	77.3	13.7	87.8													30.2	72.5	27.6	64.2
15-21 days					12.0	89.3	3.9	91.7													12.1	84.6	12.3	76.5
22-30 days					5.3	94.6	4.4	96.1													9.3	93.9	12.6	89.1
31-90 days					2.7	97.3	2.9	99.0													5.1	99.0	9.6	98.7
> 90 days					2.7	100.0	1.0	100.0													0.9	99.9	1.2	99.9
Total	0		0		75		591		20		82		36		12		29		41		215		2575	
Mean number of days																					13.6		16.8	
Mean number of counts																					2.5		2.8	

Table A4.2

LENGTH OF SENTENCE OF SENTENCE ADMISSIONS FOR PROVINCIAL LIQUOR OFFENCES

JURISDICTION	YUKON				BRITISH COLUMBIA				ALBERTA				SASKATCHEWAN				MANITOBA				ONTARIO			
YEAR	1983				1982-3				1982				1982-3				1982				1982-3			
RACE	Natives		Non-Natives		Natives		Non-Natives		Natives		Ncn-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives	
	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%
Sentence Length																								
1-4 days																					30.1	30.1	27.2	27.2
5-7 days																					17.9	48.0	36.3	63.5
8-14 days																					26.3	74.3	21.8	85.3
15-21 days																					9.9	84.2	7.0	92.3
22-30 days																					6.8	91.0	5.4	97.7
31-90 days																					8.4	99.4	2.2	99.9
> 90 days																					0.6	100.0	0.2	100.1
Total	1		2		1		19		35		19		6		17		0		4		2103		5411	
Mean number of days																					13.2		9.5	
Mean number of counts																					2.3		1.7	

Table A4.3

LENGTH OF SENTENCE OF SENTENCE ADMISSIONS FOR OTHER PROVINCIAL/MUNICIPAL OFFENCES

JURISDICTION	YUKON				BRITISH COLUMBIA				ALBERTA				SASKATCHEWAN				MANITOBA				ONTARIO			
YEAR	1983				1982-3				1982				1982-3				1982				1982-3			
RACE	Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives	
	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%
Sentence Length																								
1-4 days																					17.2	17.2	32.1	32.1
5-7 days																					36.8	54.0	27.8	59.9
8-14 days																					17.2	71.2	9.6	69.5
15-21 days																					5.7	76.9	5.9	75.4
22-30 days																					11.5	88.4	19.2	94.6
31-90 days																					9.2	97.6	4.7	99.3
> 90 days																					2.4	100.0	0.6	99.9
Total	0		0		5		63		6		42		1		3		0		14		87		2172	
Mean number of days																					18.1		13.2	
Mean number of counts																					2.2		4.5	

Table A4.4

LENGTH OF SENTENCE OF SENTENCE ADMISSIONS FOR NCA/FDA OFFENCES

JURISDICTION	YUKON				BRITISH COLUMBIA				ALBERTA				SASKATCHEWAN				MANITOBA				ONTARIO			
YEAR	1983				1982-3				1982				1982-3				1982				1982-3			
RACE	Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives	
	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%
Sentence Length																								
1-4 days					(24.6	24.6	16.3	16.3													0	0	6.2	6.2
5-7 days																					10.6	10.6	7.1	13.3
8-14 days					18.0	42.6	17.7	34.0													21.3	31.9	10.8	24.1
15-21 days					14.8	57.4	6.0	40.0													12.8	44.7	8.1	32.2
22-30 days					16.4	73.8	14.8	54.8													29.8	74.5	18.5	50.7
31-90 days					11.5	85.3	22.9	77.7													14.9	89.4	23.5	74.2
> 90 days					14.8	100.1	22.3	100.0													10.6	100.0	25.8	100.0
Total	0		7		61		582		27		609		11		41		25		170		47		2353	
Mean number of days																					42.2		118.9	
Mean number of counts																					1.4		1.5	

Table A4.5

LENGTH OF SENTENCE OF SENTENCE ADMISSIONS FOR OTHER FEDERAL OFFENCES

JURISDICTION	YUKON				BRITISH COLUMBIA				ALBERTA				SASKATCHEWAN				MANITOBA				ONTARIO			
YEAR	1983				1982-3				1982				1982-3				1982				1982-3			
RACE	Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives	
	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%
Sentence Length																								
1-4 days																					2.9	2.9	9.4	9.4
5-7 days																					9.1	12.0	8.4	17.8
8-14 days																					12.8	24.8	11.5	29.3
15-21 days																					19.5	44.3	10.7	40.0
22-30 days																					14.7	59.0	29.0	69.0
31-90 days																					38.1	97.1	22.1	91.1
> 90 days																					2.9	100.0	8.9	100.0
Total	0		1		12		163		21		11		1		3		19		73		375		393	
Mean number of days																					34.2		40.5	
Mean number of counts																					2.9		3.0	

Table A4.6

LENGTH OF SENTENCE OF FINE DEFAULT ADMISSIONS FOR PROVINCIAL MOTOR VEHICLE OFFENCES

JURISDICTION	YUKON				BRITISH COLUMBIA				ALBERTA				SASKATCHEWAN				MANITOBA				ONTARIO			
YEAR	1983				1982-3				1982				1982-3				1982				1982-3			
RACE	Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives	
	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%
Sentence Length																								
1-4 days									7.1	7.1	9.5	9.5	5.9	5.9	13.7	13.7					11.8	11.8	11.7	11.7
5-7 days									9.5	16.6	16.8	26.3	47.3	53.2	39.7	53.4					30.8	42.6	26.6	38.3
8-14 days									20.2	36.8	19.8	46.1	19.0	72.2	19.2	72.6					30.8	73.4	28.4	66.7
15-21 days									13.1	49.9	9.4	55.5	22.0	94.2	13.7	86.3					11.8	85.2	12.3	79.0
22-30 days									23.8	73.7	30.1	85.6	2.4	96.6	8.2	94.5					9.0	94.2	11.7	90.7
over 30 days									26.2	99.9	14.3	99.9	3.4	100.0	5.5	100.0					5.7	99.9	9.3	100.0
Total	15		27		5		35		168		671		205		73		70		65		211		2399	
Mean number of days													11.5		12.1						13.4		15.0	
Mean number of counts													1.9		1.9						2.5		2.8	

Table A4.7

LENGTH OF SENTENCE OF FINE DEFAULT ADMISSIONS FOR PROVINCIAL LIQUOR OFFENCES

JURISDICTION	YUKON				BRITISH COLUMBIA				ALBERTA				SASKATCHEWAN				MANITOBA				ONTARIO			
YEAR	1983				1982-3				1982				1982-3				1982				1982-3			
RACE	Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives	
	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%
Sentence Length																								
1-4 days									3.8	3.8	4.8	4.8									33.6	33.6	29.4	29.4
5-7 days									24.0	27.8	22.2	27.0									19.4	53.0	38.4	67.8
8-14 days									31.1	58.9	27.5	54.5									28.2	81.2	21.8	89.6
15-21 days									23.7	82.6	32.3	86.8									8.5	89.7	5.5	95.1
22-30 days									11.2	93.8	10.2	97.0									5.2	94.9	3.0	98.1
over 30 days									6.2	100.0	3.0	100.0									5.0	99.9	1.9	100.0
Total	11		1		0		2		338		167		272		31		71		32		1850		4846	
Mean number of days													16.7		15.4						10.4		8.3	
Mean number of counts													1.5		1.4						2.2		1.7	

Table A4.8

LENGTH OF SENTENCE OF FINE DEFAULT ADMISSIONS FOR OTHER PROVINCIAL/MUNICIPAL OFFENCES

JURISDICTION	YUKON				BRITISH COLUMBIA				ALBERTA				SASKATCHEWAN				MANITOBA				ONTARIO			
YEAR	1983				1982-3				1982				1982-3				1982				1982-3			
RACE	Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives	
	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%
Sentence Length																								
1-4 days									2.1	2.1	9.8	9.8									18.5	18.5	33.9	33.9
5-7 days									13.4	15.5	22.6	32.4									37.0	55.5	27.6	61.5
8-14 days									39.2	54.7	18.9	51.3									18.5	74.0	9.9	71.4
15-21 days									21.6	76.3	13.4	64.7									4.9	78.9	5.6	77.0
22-30 days									14.4	90.7	21.3	86.0									11.1	90.0	18.5	95.5
over 30 days									9.3	100.0	14.0	100.0									9.9	99.9	4.4	99.9
Total	5		2		3		41		97		164		17		26		6		16		81		2004	
Mean number of days													12.2		10.7						13.0		12.0	
Mean number of counts													1.7		2.6						2.3		4.7	

Table A4.9

LENGTH OF SENTENCE OF FINE DEFAULT ADMISSIONS FOR CRIMINAL CODE OFFENCES

JURISDICTION	YUKON				BRITISH COLUMBIA				ALBERTA				SASKATCHEWAN				MANITOBA				ONTARIO			
YEAR	1983				1982-3				1982				1982-3				1982				1982-3			
RACE	Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives	
	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%
Sentence Length																								
1-4 days					14.6	14.6	19.3	19.3	0.6	0.6	1.7	1.7	0.8	0.8	0	0					3.9	3.9	3.6	3.6
5-7 days									4.3	4.9	3.7	5.4	10.4	11.2	10.6	10.6					10.8	14.7	11.4	15.0
8-14 days					35.9	50.5	35.7	55.0	11.9	16.8	10.1	15.5	9.0	20.2	12.8	23.4					23.0	37.7	22.0	37.0
15-21 days					22.2	72.7	17.8	72.8	15.8	32.6	16.8	32.3	20.4	40.6	20.1	43.5					17.6	55.3	20.3	57.3
22-30 days					19.0	91.7	16.9	89.7	24.8	57.4	28.8	61.1	32.6	73.2	27.1	70.6					21.7	77.0	23.1	80.4
over 30 days					8.3	100.0	10.3	100.0	42.7	100.1	39.0	100.1	26.8	100.0	29.3	99.9					23.0	100.0	19.6	100.0
Total	57		33		315		1366		868		2244		798		273		209		235		609		6007	
Mean number of days													31.1		38.1						25.8		25.1	
Mean number of counts													2.0		2.0						2.3		2.0	

Table A4.10

LENGTH OF SENTENCE OF FINE DEFAULT ADMISSIONS FOR NCA/FDA OFFENCES

JURISDICTION	YUKON				BRITISH COLUMBIA				ALBERTA				SASKATCHEWAN				MANITOBA				ONTARIO			
YEAR	1983				1982-3				1982				1982-3				1982				1982-3			
RACE	Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives	
	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%
Sentence Length																								
1-4 days																								
5-7 days																								
8-14 days																								
15-21 days																								
22-30 days																								
over 30 days																								
Total	4		8		29		197		32		285		14		17		8		28		19		697	
Mean number of days													22.9		43.2						17.9		25.6	
Mean number of counts													1.7		1.9						1.6		1.6	

Table A4.11

LENGTH OF SENTENCE OF FINE DEFAULT ADMISSIONS FOR OTHER FEDERAL OFFENCES

JURISDICTION	YUKON				BRITISH COLUMBIA				ALBERTA				SASKATCHEWAN				MANITOBA				ONTARIO			
YEAR	1983				1982-3				1982				1982-3				1982				1982-3			
RACE	Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives		Natives		Non-Natives	
	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%	%	Cum%
Sentence Length																								
1-4 days																					2.3	2.3	10.2	10.2
5-7 days																					10.6	12.9	10.2	20.4
8-14 days																					14.9	27.8	14.1	34.5
15-21 days																					21.9	49.7	16.9	51.4
22-30 days																					12.3	62.0	23.7	75.1
over 30 days																					38.1	100.1	24.9	100.0
Total	0		0		3		8		49		16		26		9		22		10		302		177	
Mean number of days																					28.5		28.8	
Mean number of counts																					3.0		3.9	

SUPPORTING TABLES FOR CHAPTER 5

Table A5.1

CRIMINAL CODE SENTENCE ADMISSIONS TO CORRECTIONAL SERVICE OF CANADA BY SPECIFIC OFFENCE TYPE

JURISDICTION	Correctional Service of Canada		
YEAR	1982		
RACE	Native	Non-Native	Total
Total number of Criminal Code admissions	323	3,169	3,492
Weapons	5%	2%	2%
Offences against justice	0	*	*
Sexual offences	3	2	2
Mischief/arson	2	1	1
Robbery	23	31	30
Manslaughter	12	4	5
Other serious violent offences (murder, kidnapping, etc.)	5	7	7
Assault	23	12	13
Theft/possession	3	6	6
Break and enter	21	22	22
Fraud and related offences	1	4	3
Other and unspecified offences	3	9	9
Total percent	101%	100%	100%

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* Less than 0.5%

Table A5.2

LENGTH OF SENTENCE OF C.S.C. SENTENCE ADMISSIONS FOR ROBBERY

JURISDICTION	Correctional Service of Canada			
YEAR	1982			
RACE	Natives		Non-Natives	
	%	Cum.%	%	Cum.%
Sentence length				
24-29 months	19.0%	19.0%	16.4%	16.4%
30 months to 3 years	32.4	51.4	28.6	45.0
> 3-4 years	19.0	70.4	20.1	65.1
> 4-5 years	16.2	86.6	12.1	77.2
More than 5 years	13.5	100.1	22.6	99.8
Total*	74		978	

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*Excludes unknown sentence lengths.

Table A5.3

LENGTH OF SENTENCE OF C.S.C. SENTENCE ADMISSIONS FOR ASSAULTS

JURISDICTION	Correctional Service of Canada			
YEAR	1982			
RACE	Natives		Non-Natives	
	%	Cum.%	%	Cum.%
Sentence length				
24-29 months	19.2%	19.2%	14.9%	14.9%
30 months to 3 years	30.1	49.3	34.0	48.9
> 3-4 years	15.0	64.3	16.5	65.4
> 4-5 years	21.9	86.2	11.2	76.6
More than 5 years	13.7	99.9	23.5	100.1
Total*	73		376	

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*Excludes unknown sentence lengths.

Table A5.4

LENGTH OF SENTENCE OF C.S.C. SENTENCE ADMISSIONS FOR BREAK AND ENTER

JURISDICTION	Correctional Service of Canada			
YEAR	1982			
RACE	Natives		Non-Natives	
	%	Cum.%	%	Cum.%
Sentence length				
24-29 months	59.7%	59.7%	42.9%	42.9%
30 months to 3 years	27.4	87.1	31.7	74.6
>3-5 years	6.4	93.5	20.7	95.3
More than 5 years	6.4	99.9	4.6	99.9
Total*	62		678	

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*Excludes unknown sentence lengths.

Table A5.5

LENGTH OF SENTENCE OF SENTENCE ADMISSIONS TO PROVINCIAL CUSTODY FOR CRIMINAL CODE DRIVING OFFENCES

JURISDICTION	YUKON				BRITISH COLUMBIA				ALBERTA				SASKATCHEWAN			
YEAR	1983				1981-2				1982				1982-3			
RACE	Native		Non-Native		Native		Non-Native		Native		Non-Native		Native		Non-Native	
Sentence length	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%
1-14 days	22.5%	22.5%	48.9%	48.9%	35.1%	35.1%	44.7%	44.7%	23.2%	23.2%	26.8%	26.8%	18.6%	18.6%	33.9%	33.9%
15-30 days	20.0	42.5	18.3	67.2	29.8	64.9	24.4	69.1	32.6	55.8	25.7	52.5	27.4	46.0	40.3	74.2
31-90 days	15.0	57.5	8.2	75.4	22.7	87.6	18.6	87.7	14.2	70.0	23.0	75.5	18.1	64.1	10.0	84.2
> 3-6 months	30.0	87.5	22.4	97.8	11.1	98.7	10.4	98.1	19.1	89.1	17.4	92.9	29.6	93.7	13.3	97.5
More than 6 months	12.5	100.0	2.0	99.8	1.3	100.0	1.9	100.0	10.8	99.9	7.2	100.1	6.4	100.1	2.6	100.1
Total*	40		49		225		1343		267		638		842		1201	

	MANITOBA				ONTARIO				ATLANTIC			
	1980				1981-2				1980			
Sentence length	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%
1-14 days	8.7%	8.7%	8.1%	8.1%	44.4%	44.4%	50.6%	50.6%	18.0%	18.0%	45.8%	45.8%
15-30 days	33.4	42.1	31.6	39.7	21.2	65.6	25.0	75.6	52.0	70.0	33.4	79.2
31-90 days	29.6	71.7	28.9	68.6	15.3	80.9	11.5	87.1	22.0	92.0	15.7	94.9
> 3-6 months	19.7	91.4	24.8	93.4	14.8	95.7	11.1	98.2	6.0	98.0	3.8	98.7
More than 6 months	8.7	100.1	6.6	100.0	4.2	99.9	1.8	100.0	2.0	100.0	1.4	100.1
Total*	609		640		189		6027		50		1830	

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[*] Excludes unknown sentence lengths.

Table A5.6

LENGTH OF SENTENCE OF SENTENCE ADMISSIONS TO PROVINCIAL CUSTODY FOR THEFT/POSSESSION OFFENCES

JURISDICTION	BRITISH COLUMBIA				ALBERTA				SASKATCHEWAN				MANITOBA				ONTARIO			
YEAR	1981-2				1982				1982-3				1980				1981-2			
RACE	Native		Non-Native		Native		Non-Native		Native		Non-Native		Native		Non-Native		Native		Non-Native	
	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%
Sentence length																				
1-14 days	24.6%	24.6%	19.2%	19.2%	9.9%	9.9%	16.4%	16.4%												
15-30 days	18.3	42.9	22.5	41.7	21.7	31.6	19.5	35.9	2.2%	2.2%	2.8%	2.8%	14.0%	14.0%	10.5%	10.5%	22.1%	22.1%	24.7%	24.7%
31-90 days	23.8	66.7	22.9	64.6	20.6	52.2	17.6	53.5	20.5	22.7	21.1	23.9	24.2	38.2	21.3	31.8	17.4	39.5	20.7	45.4
>3-6 months	22.6	89.3	20.4	85.0	23.0	75.2	20.1	73.6	27.0	49.7	20.4	44.3	19.7	57.9	25.1	56.9	25.7	65.2	22.4	67.8
More than 6 months	10.7	100.0	14.9	99.9	24.9	100.1	26.4	100.0	34.6	84.3	35.9	80.2	22.4	80.3	23.4	80.3	21.8	87.0	19.9	87.7
									15.6	99.9	19.8	100.0	19.7	100.0	19.7	100.0	13.1	100.1	12.3	100.0
Total*	252		918		384		1362		445		284		228		295		253		4459	

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*Excludes unknown sentence lengths.

Table A5.7

LENGTH OF SENTENCE OF SENTENCE ADMISSIONS TO PROVINCIAL CUSTODY FOR BREAK AND ENTER

JURISDICTION	BRITISH COLUMBIA				ALBERTA				SASKATCHEWAN				MANITOBA				ONTARIO			
YEAR	1981-2				1982				1982-3				1980				1981-2			
RACE	Native		Non-Native		Native		Non-Native		Native		Non-Native		Native		Non-Native		Native		Non-Native	
	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%
Sentence length																				
One month or less	14.9%	14.9%	12.6%	12.6%	8.8%	8.8%	14.5%	14.5%	5.4%	5.4%	10.7%	10.7%	9.3%	9.3%	7.8%	7.8%	13.7%	13.7%	17.8%	17.8%
> 1-3 months	18.9	33.8	16.6	29.2	9.7	18.5	11.9	26.4	12.0	17.4	15.8	26.5	21.2	30.5	17.4	25.2	18.0	31.7	18.1	35.9
> 3-6 months	23.6	57.4	20.8	50.0	23.0	41.5	20.6	47.0	41.8	59.2	32.8	59.3	19.5	50.0	28.2	53.4	29.6	61.3	27.9	63.8
> 6-12 months	31.7	89.1	33.5	83.5	46.0	87.5	41.7	88.7	24.8	84.0	23.3	82.6	29.7	79.7	25.2	78.6	27.6	88.9	22.6	86.4
More than 12 months	10.8	99.9	16.3	99.8	12.4	99.9	11.3	100.0	16.0	100.0	17.5	100.1	20.3	100.0	21.6	100.2	11.0	99.9	13.6	100.0
Total*	148		590		217		705		426		253		118		167		300		3297	

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*Excludes unknown sentence lengths.

Table A5.8

LENGTH OF SENTENCE OF SENTENCE ADMISSIONS TO PROVINCIAL CUSTODY FOR FRAUD AND RELATED OFFENCES

JURISDICTION	ALBERTA				SASKATCHEWAN			
YEAR	1982				1982-3			
RACE	Native		Non-Native		Native		Non-Native	
	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%
Sentence length								
1-14 days	12.5%	12.5%	16.0%	16.0%	11.1%	11.1%	4.9%	4.9%
15-30 days	15.0	27.5	13.9	29.9	9.5	20.6	18.5	23.4
31-90 days	20.0	47.5	18.3	48.2	15.9	36.5	16.7	40.1
> 3-6 months	30.0	77.5	22.8	71.0	47.6	84.1	24.7	64.8
More than 6 months	22.5	100.0	29.0	100.0	15.9	100.0	35.2	100.0
Total*	40		420		63		162	

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*Excludes unknown sentence lengths.

Table A5.9

LENGTH OF SENTENCE OF SENTENCE ADMISSIONS TO PROVINCIAL CUSTODY FOR MISCHIEF/ARSON/WILFUL DAMAGE

JURISDICTION	ONTARIO			
YEAR	1981-2			
RACE	Native		Non-Native	
	%	Cum.%	%	Cum.%
Sentence length				
1-14 days	21.2%	21.2%	27.0%	27.0%
15-30 days	25.7	46.9	29.3	56.3
31-90 days	22.7	69.6	19.8	76.1
> 3-6 months	15.2	84.8	14.0	90.1
> 6 months	15.1	99.9	9.8	99.9
Total*	66		741	

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*Excludes unknown sentence lengths.

Table A5.10

LENGTH OF SENTENCE OF SENTENCE ADMISSIONS TO PROVINCIAL CUSTODY FOR ASSAULTS

JURISDICTION	BRITISH COLUMBIA				ALBERTA				SASKATCHEWAN				MANITOBA				ONTARIO			
YEAR	1981-2				1982				1982-3				1980				1981-2			
RACE	Native		Non-Native		Native		Non-Native		Native		Non-Native		Native		Non-Native		Native		Non-Native	
	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%
Sentence length																				
1-14 days	13.2%	13.2%	14.9%	14.9%	8.3%	8.3%	6.6%	6.6%	1.9%	1.9%	2.7%	2.7%	6.5%	6.5%	4.8%	4.8%	13.2%	13.2%	19.6%	19.6%
15-30 days	14.5	27.7	18.5	33.4	17.4	25.7	13.6	20.2	13.0	14.9	20.4	23.1	11.8	18.3	15.5	20.3	16.2	29.4	26.4	46.0
31-90 days	26.3	54.0	28.1	61.5	16.7	42.4	21.8	42.0	20.3	35.2	17.7	40.8	34.1	52.4	27.4	47.7	26.9	56.3	25.7	71.7
> 3-6 months	32.9	86.9	20.8	82.3	25.7	68.1	22.9	64.9	25.9	61.1	26.6	67.4	23.0	75.4	21.4	69.1	28.2	84.5	15.8	87.5
More than 6 months	13.1	100.0	17.5	99.8	31.9	100.0	34.9	99.8	38.9	100.0	32.6	100.0	24.7	100.1	31.0	100.1	15.6	100.1	12.5	100.0
Total*	76		302		132		331		316		147		170		84		167		1822	

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*Excludes unknown sentence lengths

Table A5.11

LENGTH OF SENTENCE OF SENTENCE ADMISSIONS TO PROVINCIAL CUSTODY FOR ROBBERY

JURISDICTION	BRITISH COLUMBIA			
YEAR	1981-2			
RACE	Native		Non-Native	
	%	Cum.%	%	Cum.%
Sentence length				
3 months or less	28.0%	28.0%	20.0%	20.0%
> 3-6 months	11.6	39.6	14.8	34.8
> 6-12 months	32.5	72.1	30.4	65.2
More than 12 months	27.9	100.0	34.7	99.9
Total*	43		115	

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*Excludes unknown sentence lengths.

Table A5.12

LENGTH OF SENTENCE OF SENTENCE ADMISSIONS TO PROVINCIAL CUSTODY FOR BAIL AND PROBATION VIOLATIONS

JURISDICTION	BRITISH COLUMBIA				ALBERTA				SASKATCHEWAN				MANITOBA				ONTARIO			
YEAR	1981-2				1982				1982-3				1980				1981-2			
RACE	Native		Non-Native		Native		Non-Native		Native		Non-Native		Native		Non-Native		Native		Non-Native	
	%	Cum%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum%	%	Cum.%
Sentence length																				
1-14 days	50.9%	50.9%	41.6%	41.6%	12.0%	12.0%	22.5%	22.5%	3.0%	3.0%	7.9%	7.9%	24.1%	24.1%	27.5%	27.5%	38.8%	38.8%	42.4%	42.4%
15-30 days	30.3	81.2	35.0	76.6	46.1	58.1	43.5	66.0	13.5	16.5	14.1	22.0	26.9	51.0	17.7	45.2	27.5	66.3	30.4	72.8
31-90 days	13.4	94.6	13.9	90.5	18.6	76.7	19.9	85.9	22.2	38.7	23.3	45.3	33.8	84.8	43.1	88.3	25.0	91.3	18.0	90.8
>3-6 months	5.4	100.0	9.1	99.6	19.8	96.5	11.8	97.7	32.0	70.7	22.5	67.8	8.9	93.7	3.9	92.2	8.0	99.3	7.4	98.2
More than 6 months	0	100.0	0.3	99.9	3.6	100.1	2.3	100.0	29.3	100.0	32.2	100.0	6.2	99.9	7.9	100.1	0.8	100.1	1.8	100.0
Total*	112		317		167		306		743		264		145		51		240		2724	

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*Excludes unknown sentence lengths.

Table A5.13

LENGTH OF SENTENCE OF SENTENCE ADMISSIONS TO PROVINCIAL CUSTODY FOR WEAPONS OFFENCES

JURISDICTION	ALBERTA				SASKATCHEWAN				ONTARIO			
YEAR	1982				1982-3				1981-2			
RACE	Native		Non-Native		Native		Non-Native		Native		Non-Native	
	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%	%	Cum.%
Sentence length												
1-14 days	0%	0%	21.1%	21.1%	1.4%	1.4%	0%	0%	6.8%	6.8%	24.3%	24.3%
15-30 days	22.0	22.0	17.8	38.9	14.1	15.5	11.8	11.8	11.4	18.2	19.3	43.6
31-90 days	20.0	42.0	17.9	56.8	15.5	31.0	35.3	47.1	34.1	52.3	20.8	64.4
> 3-6 months	26.0	68.0	20.3	77.1	26.8	57.8	9.8	56.9	29.5	81.8	17.0	81.4
More than 6 months	32.0	100.0	22.7	99.8	42.3	100.1	43.1	100.0	18.1	99.9	18.6	100.0
Total*	50		123		142		51		44		400	

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*Excludes unknown sentence lengths.